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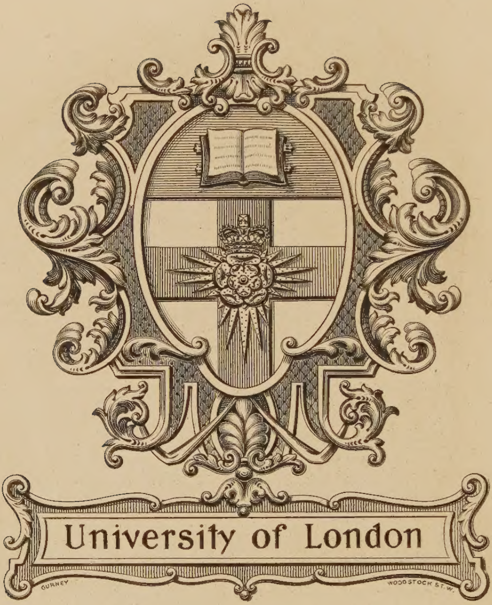

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HANSARD'S
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WILLIAM IV.

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And, on *May* 19, Committee *nominated*:—List of the Committee .. 808

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Municipal Boroughs (Metropolis) Bill [Bill 65]—
Moved, "That the Bill be now read a second time,"—(*Mr. Buxton*) .. 854
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Bentinck.*)
After debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 130, Noes 66; Majority 64:—Main Question put, and *agreed to:*—Bill read a second time, and *committed* to a Select Committee.

Married Women's Property Bill [Bill 16]—
Moved, "That the Bill be now read a second time,"—(*Mr. Russell Gurney*) 878
After short debate, Motion *agreed to:*—Bill read a second time, and *committed* for *To-morrow*.

Married Women's Property (No. 2) Bill [Bill 22]—
Moved, "That the Bill be now read a second time,"—(*Mr. Raikes*) .. 893
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Jacob Bright.*)
Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 46, Noes 208; Majority 162:—Words *added:*—Main Question, as amended, put, and *agreed to:*—Bill *put off* for six months.

Corporation of London Bill [Bill 66]—
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Question proposed, "That the word 'now' stand part of the Question:"—After further short debate, Debate *adjourned* till *Monday* next.

Turnpike Trusts Arrangements Bill—*Ordered* (*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*); *presented*, and read the first time [Bill 129] 894

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Marriage with a Deceased Wife's Sister Bill (No. 76)—
Moved, "That the Bill be now read 2ª,"—(*The Lord Houghton*) .. 895
Amendment *moved*, to leave out ("now") and insert ("this day six months,")—(*The Duke of Marlborough.*)
After long debate, on Question, That ("now") stand part of the Motion?—Their Lordships *divided;* Contents 73, Not-Contents 77; Majority 4.
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Ecclesiastical Titles Act Repeal Bill [H.L.]—*Presented* (*The Lord Privy Seal*); read 1ª (No. 105) 963

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After short debate, Motion, by leave, *withdrawn.*

Irish Land Bill [Bill 29]—

Bill *considered* in Committee [*Progress* 16*th May.*]

New Clause (Permissive Parliamentary tenant-right) 976

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Committee report Progress; to sit again *To-morrow.*

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Singapore—Judicial Independence—Petition *presented* (*Earl Grey*) .. 1041

After short debate thereon, Petition *ordered* to lie on the Table.

Poor Relief (Metropolis) Bill (No. 97)—

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Supply—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

New National Gallery—Motion for Correspondence—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, Copy of Correspondence between Her Majesty's Office of Works and the Architect of the New National Gallery, in continuation of

SUPPLY—NEW NATIONAL GALLERY—Committee—*continued.*

the Return to the Order of the House of Commons (10th March 1869), and of the Report of the Architect to the First Commissioner of Works,"—(*Mr. Beresford Hope,*) —instead thereof 1063

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment, by leave, *withdrawn.*

CANADA—DISTURBANCES AT RED RIVER—Observations, Mr. R. N. Fowler; Reply, Mr. Monsell:—Short debate thereon 1088

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To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that Her Majesty will be pleased to issue a Commission to inquire into the causes of the great loss of life and property at sea during the last few years, and to consider whether any and what changes can be made in existing Laws and Regulations with respect to collisions, overlading, stowage of cargo, and other matters, with the view of giving increased safety to Passengers and Merchant Ships,"—(*Sir John Pakington,*)—instead thereof .. 1094

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, *Moved,* "That the Debate be now adjourned,"—(*Mr. Gourley:*)—After further debate, Motion, by leave, *withdrawn.*

GREECE—MURDER OF BRITISH SUBJECTS BY BRIGANDS—Observations, Sir Roundell Palmer 1123

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House, upon an examination of the Papers that have been laid before it concerning the recent massacres in Greece, feels itself called upon to express an opinion that the conduct of the Greek Ministers has been highly unsatisfactory, and that this House invites Her Majesty's Government to act as it thinks best on this opinion, and also to concert with its Allies as to the best means of establishing in Greece a Government capable of satisfying the ordinary requirements of a civilised state,"—(*Sir Henry Lytton Bulwer,*)—instead thereof 1144

Question proposed, "That the words proposed to be left out stand part of the Question."

After debate, Amendment and Original Question, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn:*—Committee *deferred* till *Monday* next.

Metropolitan Board of Works Loans (Stamp Duty) Bill—Resolutions *reported,* and *agreed to:*—Bill *ordered* (*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*); *presented,* and read the first time [Bill 132] 1161

Wages Attachment Abolition Bill—*Ordered* (*Mr. Stevenson, Mr. Candlish, Mr. Mundella*); *presented,* and read the first time [Bill 131] 1161

Public Health (Scotland) Supplemental Bill—*Ordered* (*The Lord Advocate, Mr. Adam*); *presented,* and read the first time [Bill 136] 1161

Customs and Inland Revenue Bill—*Presented,* and read the first time [Bill 133] .. 1161

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University Tests Bill [Bill 105]—

Moved, "That the Bill be now read a second time."—(*Mr. Solicitor General*) 1192

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Spencer Walpole.*)

After long debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 191, Noes 66; Majority 125:—Main Question put, and *agreed to:*—Bill read a second time, and *committed* for *Monday* next.

Irish Land Bill [Bill 29]—

Bill *considered* in Committee [*Progress* 19*th May.*]

New Clause (Court to give judgment as to liability of landlord) .. 1255

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Preamble, as amended, *agreed to.*

Bill *reported;* as amended, to be considered upon *Thursday,* and to be *printed.* [Bill 137.]

Conventual and Monastic Institutions—

Moved, "That the Select Committee on Conventual and Monastic Institutions, &c., do consist of Sixteen Members,"—(*Mr. Newdegate*) .. 1262

After short debate, Question put:—The House *divided;* Ayes 34, Noes 95; Majority 61.

Sale of Poisons (Ireland) Bill—*Ordered* (*Mr. Attorney General for Ireland, Mr. Chichester Fortescue*); *presented,* and read the first time [Bill 140] 1263

Extradition Bill—*Ordered* (*Mr. Attorney General, Mr. Solicitor General*); *presented,* and read the first time [Bill 138] 1263

Sligo and Cashel Disfranchisement Bill—*Ordered* (*Mr. Solicitor General for Ireland, Mr. Chichester Fortescue*); *presented,* and read the first time [Bill 139] .. 1263

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Norwich Voters Disfranchisement Bill (No. 88)—

Order of the Day for the Second Reading read 1266

Observations—Petition of A. Bignold—Lord Cairns.

Moved, "That the Bill be now read 2ª,"—(*The Lord Chancellor.*)

Motion *agreed to:*—Bill read 2ª, and *committed* to a Committee of the Whole House on *Tuesday* next.

Irish Church Act (1869) Amendment Bill (No. 23)—

Moved, "That the Bill be now read 2ª,"—(*The Lord Redesdale*) .. 1268

After short debate, Motion and Bill (by Leave of the House) *withdrawn.*

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"That, in the opinion of this House, it is right that the Establishment of the Church and its Union with the State should cease to exist in the dominion and principality of Wales," —(*Mr. Watkin Williams*) 1274

After debate, the House *divided;* Ayes 45, Noes 209; Majority 164.
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Moved, "That leave be given to bring in a Bill to repeal the Contagious Diseases Acts (1866—1869),"—(*Mr. W. Fowler*) 1306

STRANGERS ORDERED TO WITHDRAW.

Report of the opinions of the several Members who addressed the House, so far as they can be ascertained.

Moved, "That the Debate be now adjourned,"—(*Major Anson.*)

After long debate, Question put, "That the Debate be now adjourned:" —The House *divided;* Ayes 229, Noes 88; Majority 141:—Debate *adjourned* till *Tuesday* 21st June.

Horse Racing Bill—

Moved, "That leave be given to bring in a Bill to amend the Laws relating to Horse Racing,"—(*Mr. Hughes*) 1350

After short debate, Question put:—The House *divided;* Ayes 132, Noes 44; Majority 88.

Bill *ordered* (*Mr. Hughes, Lord Elcho, Mr. Osborne Morgan, Sir Henry Hoare.*)

RAILWAY ACCIDENTS (COMPENSATION)—
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COMMONS, WEDNESDAY, MAY 25.

Clerical Disabilities Bill [Bill 49]—

Moved, "That the Bill be now read a second time,"—(*Mr. Hibbert*) .. 1365

After debate, Question put:—The House *divided;* Ayes 137, Noes 56; Majority 81:—Bill read a second time, and *committed* for *Tuesday* 14th June.

Game Laws Abolition Bill [Bill 73]—

Moved, "That the Bill be now read a second time,"—(*Mr. P. A. Taylor*) 1384

Previous Question proposed, "That that Question be now put,"—(*Mr. Hardcastle:*)—After debate, it being 10 minutes to Six of the Clock—Debate *adjourned* till *To-morrow.*

Joint Stock Companies' Arrangement Bill—*Ordered* (*Mr. Henry B. Sheridan, Mr. Serjeant Simon, Mr. Brogden*); *presented,* and read the first time [Bill 143] ... 1404

Local Government Supplemental Bill—*Ordered* (*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*) 1404

Telegraph Acts Extension Bill—*Ordered* (*The Marquess of Hartington, Mr. Chancellor of the Exchequer, Mr. Stansfeld*); *presented,* and read the first time [Bill 142] ... 1404

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Irish Land Bill [Bill 137]—

Order for Consideration, as amended, read 1412

Moved, "That the Bill be now taken into Consideration,"—(*Mr. W. E. Gladstone.*)

Amendment proposed,

To leave out from the words "Bill be" to the end of the Question, in order to add the words "re-committed for the purpose of considering a Clause fixing the increased amount of the additional salaries to be paid to the judges and officers of the Civil Bill Courts in Ireland for the additional duties by this Act imposed upon them,"—(*Sir Frederick W. Heygate,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn*:—Main Question put, and *agreed to*:—Bill, as amended *considered*:—Bill to be read the third time upon *Monday* next, and to be *printed*. [Bill 145.]

Supply—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

Navy—Case of Commander Gurdon—Resolution—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "any new Regulation prohibiting Naval Officers on half-pay or retired pay from writing letters to the public journals which may be decided upon by the Board of Admiralty be laid before this House,"—(*Sir John Hay,*)—instead thereof .. 1442

Question proposed, "That the words proposed to be left out stand part of the Question."

After short debate, Amendment and Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn*:—Committee *deferred* till *To-morrow*.

General Police and Improvement (Scotland) Supplemental Bill—*Ordered* (*The Lord Advocate, Mr. Adam*); *presented*, and read the first time [Bill 147] .. 1461

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Ecclesiastical Titles Act Repeal Bill (No. 105)—
Moved, "That the Bill be now read 2^{a},"—(*The Lord Privy Seal*) .. 1469
Amendment *moved,* to leave out ("now") and insert ("this day six months,")—(*The Lord St. Leonards.*)
After debate, on Question, That ("now") stand part of the Motion ?—*Resolved* in the *Affirmative ;* Bill read 2^{a} accordingly, and *committed* to a Committee of the Whole House on *Thursday* the 16*th* of *June* next.

Bridgwater and Beverley Disfranchisement Bill (No. 87)—
Moved, "That the Bill be now read 2^{a},"—(*The Lord Chancellor*) .. 1491
After short debate, Motion *agreed to :*—Bill read 2^{a} accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

Irish Land Bill [H.L.]—*Presented* (*The Lord Silchester*) ; read 1^{a} (No. 113) .. 1493
Ecclesiastical Dilapidations (No. 2) Bill [H.L.]—*Presented* (*The Lord Archbishop of York*) ; read 1^{a} (No. 114) 1493
Union of Benefices Amendment (1870) Bill [H.L.]—*Presented* (*The Lord Bishop of Winchester*) ; read 1^{a} (No. 118) 1494
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FALSE WEIGHTS AND MEASURES—RESOLUTION—Amendment proposed,
To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that the present state of the Law as regards the use of False Weights and Measures, and the prevention and punishing of adulteration of Food, Drink, and Drugs, is most unsatisfactory, and demands the early attention of Her Majesty's Government,"—(*Lord Eustace Cecil,*)—instead thereof .. 1499
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To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that the claim of Major Generals Miller, Nott, and Ludlow, on behalf of the officers and men of the late Sir G. C. Whitlock's force, employed during the War in India in 1857-58, to have Rs. 25,60,000, and other debts, due to the Kirwee Chiefs, treated as booty, may be fully inquired into, and referred for the decision of a legally constituted tribunal,"—(*Mr. Goldney,*)—instead thereof 1524
After long debate, Question put, "That the words proposed to be left out stand part of the Question:"—The House *divided;* Ayes 108, Noes 67; Majority 41.

SUPPLY—Order for Committee—*continued.*

CHILDREN EMPLOYED IN AGRICULTURE—Observations, Mr. Fawcett; Reply, Mr. Bruce:—Debate thereon 1551

Original Question, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn*:—Committee *deferred* till *Monday* next.

Burials (*re-committed*) **Bill** [Bill 123]—

Bill *considered* in Committee 1558

After short time spent therein, Committee report Progress; to sit again upon *Wednesday*, 15th June.

PUBLIC SCHOOLS—MOTION FOR AN ADDRESS—

Order read, for resuming Adjourned Debate on Question [3rd May].

Question again proposed:—Debate *resumed* 1559

After short debate, Debate *further adjourned* till *Monday* next.

Vaccination Act (1867) Amendment Bill [Bill 126]—

Moved, "That the Bill be now read the second time" 1560

After short debate, Motion made, and Question put, "That the Bill be now read a second time:"—The House *divided;* Ayes 18, Noes 8; Majority 10.

LORDS, MONDAY, MAY 30.

High Court of Justice Bill (No. 72)—

Moved, "That the House do now resolve itself into Committee" (*on Re-commitment,*)—(*The Lord Chancellor*) 1561

After debate, Motion *agreed to*:—House in Committee accordingly; Amendments made; the Report thereof to be received on *Monday*, the 13*th of June* next; and Bill to be *printed*, as amended. (No. 120.)

Tramways Bill (No. 107)—

Moved, "That the Bill be now read 2ª,"—(*The Lord Privy Seal*) .. 1590

After short debate, Motion *agreed to*:—Bill read 2ª accordingly, and *referred* to a Select Committee.

And, on June 13, Committee *nominated*:—List of the Committee .. 1592

British Columbia Bill [H.L.]—*Presented* (*The Earl Granville*); read 1ª (No. 123) .. 1593

COMMONS, MONDAY, MAY 30.

PALACE OF WESTMINSTER — PLANS OF THE FLUES, &c.—Question, Captain Dawson-Damer; Answer, Mr. Ayrton 1593

METROPOLIS — LEICESTER SQUARE — Question, Captain Dawson-Damer; Answer, Mr. Ayrton 1594

THE MAGISTRACY OF LANCASHIRE—Question, Mr. Assheton Cross; Answer, Mr. Gladstone 1595

INTERNATIONAL COPYRIGHT—Question, Mr. Macfie; Answer, Mr. Otway .. 1595

WORKMEN'S INTERNATIONAL EXHIBITION—Question, Mr. T. Hughes; Answer, The Attorney General 1596

COURT OF APPEAL IN CHANCERY—Question, Mr. Winterbotham; Answer, The Attorney General 1597

Irish Land Bill [Bill 145]—

Order for Third Reading read 1599

After debate, Bill read the third time, and *passed.*

Customs and Inland Revenue Bill [Bill 133]—

Order for Second Reading read 1627

After short debate, Bill read a second time, and *committed* for *Thursday*, 9th June.

Stamp Duties Bill [Bill 130]—
Order for Second Reading read 1637
After short debate, Bill read a second time, and *committed* for *Thursday*, 16th June.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

PARLIAMENT — EXCLUSION OF STRANGERS—Observations, Mr. Henley; Reply, Mr. Gladstone:—Debate thereon 1640

Motion, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—*considered* in Committee—NAVY ESTIMATES 1649

(1.) Motion made, and Question proposed, "That a sum, not exceeding £159,368, be granted to Her Majesty, to defray the Expense of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March 1871."
Motion made, and Question proposed, "That a sum, not exceeding £155,768, &c.,"—(*Mr. Gourley.*)—After debate, Question put, and *negatived* :—Original Question put, and *agreed to.*
(2.) £196,955, Coast Guard Service, Naval Coast Volunteers and Naval Reserve.—After short debate, Vote *agreed to* 1673
(3.) £69,267, Victualling Yards at Home and Abroad.—After short debate, Vote *agreed to* 1676
(4.) £57,730, Medical Establishments at Home and Abroad.—After short debate, Vote *agreed to* 1677
(5.) £18,122, Marine Divisions.—After short debate, Vote *agreed to* 1677
(6.) £16,678, Martial Law and Law Charges 1677
(7.) Motion made, and Question proposed, "That a sum, not exceeding £118,791, be granted to Her Majesty, to defray the Expense of various Miscellaneous Services which will come in course of payment during the year ending on the 31st day of March 1871" 1677
Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Sir James Elphinstone,*)—put, and *negatived.*—After short debate, Original Question put, and *agreed to.*

Resolutions to be reported *To-morrow*, at Two of the clock; Committee to sit again *To-morrow*, at Two of the clock.

Gun Licences Bill [Bill 134]—
Order for Second Reading read 1680
After short debate, Bill read a second time, and *committed* for *Thursday* 9th June.

PUBLIC SCHOOLS—MOTION FOR AN ADDRESS—

Order read, for resuming Adjourned Debate [May 27] on Question [3rd May],—(*Mr. Thomas Hughes*)

Question again proposed:—Debate *resumed* 1683

Amendment proposed,

To leave out from the word "Majesty" to the end of the Question, in order to add the words "representing that the Five Statutes for determining and establishing the constitution of the new governing bodies of Shrewsbury, Winchester, Harrow, Charterhouse, and Rugby Schools, have been considered by this House, and humbly to express their desire that, as since the passing of the Public Schools Act 1868 the Endowed Schools Act 1869 has passed, Her Majesty will be pleased to refer back those Statutes to the Special Commissioners appointed under the Public Schools Act, in order that they may have the opportunity of reconsidering certain parts of the said Statutes with reference to the principles applied in the Endowed Schools Act to other Endowed Schools,"—(*Mr. Russell Gurney,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, *Moved*, "That the Debate be now adjourned,"—(*Mr. Newdegate:*)—The House *divided;* Ayes 30, Noes 55; Majority 25.

Question again proposed, "That the words proposed to be left out stand part of the Question:"—*Moved*, "That this House do now adjourn,"—(*Mr. Charley,*)—put, and *negatived.*

PUBLIC SCHOOLS—Motion for an Address—*continued.*

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived* :—Question put, "That those words be there added :"—The House *divided;* Ayes 54, Noes 26; Majority 28:—Main Question, as amended, put, and *agreed to.*

Registration of Voters Bill—*Ordered* (*Mr. Vernon Harcourt, Sir Charles Dilke, Mr. Rathbone*) : *presented,* and read the first time [Bill 149] 1687

Saint Olave, &c. Charities Bill—*Ordered* (*Mr. William Edward Forster, Mr. Secretary Bruce*) ; *presented,* and read the first time [Bill 152] 1687

Jewish United Synagogues Bill—*Ordered* (*Mr. William Edward Forster, Mr. Secretary Bruce*) ; *presented,* and read the first time [Bill 151] 1687

Factories and Workshops Bill—*Ordered* (*Mr. Secretary Bruce, Mr. Knatchbull-Hugessen*) ; *presented,* and read the first time [Bill 150] 1687

Pier and Harbour Orders Confirmation (No. 2) Bill—Resolution *agreed to,* and *reported* :—Bill *ordered* (*Mr. Shaw Lefevre, Mr. Stansfeld*) ; *presented,* and read the first time [Bill 154] 1687

Horse Racing Bill—*Presented,* and read the first time [Bill 155] 1687

LORDS, TUESDAY, MAY 31.

PRIVATE BILLS—

Ordered, That Standing Order No. 179. sect. 1. be suspended, and that the time for depositing petitions praying to be heard against Private Bills, which would otherwise expire during the adjournment of the House, be extended to *Monday* the 13*th of June* next; and that so much of the Standing Order of the 15th day of March 1859, as requires "That the Examiner shall give at least two clear days' notice of the day on which any Bill shall be examined," and also section 9. of Standing Order No. 178., be dispensed with.

Felony Bill (No. 90)—

Moved, "That the Bill be now read 2ª,"—(*The Lord Westbury*) .. 1688

After short debate, Motion *agreed to* :—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Monday* the 20*th June* next.

Norwich Voters Disfranchisement Bill (No. 88)—

House in Committee (according to Order) 1691

Amendment *moved,* to leave out ("No") and insert ("Neither Arthur Bignold, mentioned in Schedule A. annexed to the said Report, nor,")—(*The Lord Cairns*) 1693

On Question, *agreed to ;* the Report of the Amendment to be received on *Monday* the 13*th of June* next; and Bill to be *printed,* as amended. (No. 128.)

Bridgwater and Beverley Disfranchisement Bill (No. 87)—

Order of the Day for the House to go into Committee, read .. 1694

After short debate, House in Committee; Amendment made: the Report thereof to be received on *Monday* the 13*th* of *June* next; and Bill to be *printed,* as amended. (No. 129.)

REAL ESTATE SUCCESSION BILL—Question, Lord Redesdale; Answer, The Lord Chancellor 1698

Debtors (Ireland) Bill [H.L.]—*Presented* (*The Marquess of Clanricarde*) ; read 1ª (No. 126) 1700

Prayer Book (Lectionary) Bill [H.L.]—*Presented* (*The Lord Chancellor*) ; read 1ª (No. 127) 1700

COMMONS, TUESDAY, MAY 31.

ARMY—MILITARY RESERVE FUNDS—Question, Colonel North; Answer, Mr. Cardwell 1701

Savings Banks—Question, Sir John Lubbock; Answer, The Chancellor of the Exchequer 1701

Open Competition—Civil Service—Question, Mr. Winterbotham; Answer, Mr. Gladstone 1702

Education Bill—Question, Mr. Winterbotham; Answer, Mr. W. E. Forster 1702

Supply—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

Navy Estimates—Observations, Mr. Corry; Reply, Mr. Baxter:—Debate thereon 1703

Chatham, Portsmouth, and Deptford Dockyards—Motion for a Select Committee—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the circumstances and causes which have led to the large increase in the cost of the works for the extension of the Dockyards at Chatham and Portsmouth beyond the amounts set forth in the Act 28 and 29 Vic. c. 51, and what variations, if any, have been made or ordered from the works described in the said Act; also, whether the works included in the contracts made by authority of that Act, and laid before Parliament, are being executed in accordance with the drawings attached to such contracts, and as to the authority under which alterations have been made, and what has been or will be the effect on the cost of the works by such alterations; also, into the circumstances which have led to the disposal of Deptford Dockyard for an amount so much below the value thereof stated in the Stock Valuation Account,"—(*Mr. Cawley*,)—instead thereof 1715

After debate, Question put, "That the words proposed to be left out stand part of the Question:"—The House *divided;* Ayes 142, Noes 83; Majority 59.

Main Question proposed, "That Mr. Speaker do now leave the Chair:"—Debate arising:—Debate *adjourned* till *this day.*

Supply—Order read, for resuming Adjourned Debate on Question [31st May], "That Mr. Speaker do now leave the Chair:"—

Question again proposed.

The Greek Massacres—Observations, Sir James Elphinstone, Sir John Hay; Reply, Mr. Childers 1740

Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—Navy Estimates—*considered* in Committee 1742

(In the Committee.)

(1.) Motion made, and Question proposed, "That a sum, not exceeding £779,090, be granted to Her Majesty, to defray the Expense of Naval Stores for Building, Repairing, and Outfitting the Fleet and Coast Guard, which will come in course of payment during the year ending on the 31st day of March 1871."

After debate, *Moved,* "That a sum, not exceeding £746,090, &c."—(*Mr. Gourley.*)—Question put, and *negatived:*—Original Question put, and *agreed to.*

(2.) £466,173, Steam Machinery and Ships building by contract.—After short debate, Vote *agreed to* 1757

(3.) £744,232, New Works, Buildings, &c.—After short debate, Vote *agreed to* ... 1763

(4.) £133,996, Greenwich Hospital and School.—After short debate, Vote *agreed to* ... 1765

Resolutions to be reported upon *Thursday* 9th June; Committee to sit again upon *Thursday* 9th June.

COMMONS, THURSDAY, JUNE 9.

Wastes of Manor in Wales—Question, Mr. Walsh; Answer, Mr. Stansfeld 1767

Charitable Trusts Act (1869)—Question, Mr. A. Johnston; Answer, Mr. Stansfeld 1767

CONSTITUTION OF GREECE—Question, Mr. Monk; Answer, Mr. Otway .. 1768

INDIA—EAST INDIA COMPANY—Question, Mr. Haviland-Burke; Answer, Mr. Grant Duff 1768

APPOINTMENT OF MR. LOWRY—Question, Mr. West; Answers, The Solicitor General, Mr. Charley 1768

BRIDGWATER ELECTION COMMISSIONERS—Question, Mr. J. Lowther; Answer, Mr. Bruce 1769

Customs and Inland Revenue Bill [Bill 133]—

Order for Committee read:—*Moved,* "That Mr. Speaker do now leave the Chair,"—(*Mr. Chancellor of the Exchequer*) 1770

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "provision should be made in the Bill for the Drawback of the amount of the Duty reduced:—

On such Duty-paid Sugar as remained in any bonded warehouse on the close of Tuesday, the 12th April, 1870;

On the Stocks of Manufactured Sugar, other than Refined Sugar, or Sugar equal in quality thereto (entitled to the Drawback of 12*s.* the cwt.), being in quantity not less than 100 cwt., and in packages unbroken, in the hands of Refiners and Dealers, on the close of Tuesday, the 12th April, 1870, in places where there are Customs Authorities;

On the Stocks of Sugar under process of manufacture on the premises of Refiners on the close of Tuesday, the 12th April, 1870, which can be identified to the satisfaction of the officers of Her Majesty's Customs,"

—(*Mr. Crawford,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

Bill *considered* in Committee.

After some time spent therein, Bill *reported;* as amended, to be considered upon *Thursday* next, and to be *printed.* [Bill 156.]

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

NORTH LANCASHIRE STEAM NAVIGATION COMPANY—Observations, Mr. Hermon; Reply, Mr. Cardwell 1819

ARMY—STAFF APPOINTMENTS—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Secretary of State for War should be instructed to give six months' notice to all Officers holding highly paid Staff appointments under Vote 16, that in future their regimental pay and half-pay must be withdrawn during such time as they hold such appointments,"—(*Mr. Anderson,*)—instead thereof 1821

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn.*

ARMY—HORSE ARTILLERY IN INDIA—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, strict impartiality in the selection for Indian service should be observed between that portion of the Royal Artillery which was formerly in the East India Company's Service, and that which was originally Royal Artillery,"—(*Mr. Walsh,*)—instead thereof 1826

Question proposed, "That the words proposed to be left out stand part of the Question:"—Amendment, by leave, *withdrawn.*

ARMY—QUARTERMASTERS OF MILITIA—Observations, Viscount Enfield; Reply, Mr. Cardwell 1829

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

[*June* 9.] *Page*

SUPPLY—Army Estimates—*considered* in Committee 1831

(In the Committee.)

(1.) £43,400, Divine Service.

(2.) £45,600, Martial Law.—After short debate, Vote *agreed to* 1831

(3.) £247,500, Medical Establishments and Services. — After short debate, Vote *agreed to* 1831

(4.) £720,000, Militia and Inspection of Reserve Forces. — After short debate, Vote *agreed to* 1832

(5.) Motion made, and Question proposed, "That a sum, not exceeding £81,900, be granted to Her Majesty, to defray the Charge for Yeomanry Cavalry, which will come in course of payment from the 1st day of April 1870 to the 31st day of March 1871, inclusive" 1835

After short debate, Question put:—The Committee *divided;* Ayes 124, Noes 20; Majority 104.

Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow.*

Protection of Inventions Bill—*Ordered* (*Mr. Attorney General, Mr. Solicitor General*); *presented,* and read the first time [Bill 157] 1841

COMMONS, FRIDAY, JUNE 10.

Fees in the Superior Courts of Common Law—Question, Mr. Whitwell; Answer, Mr. Stansfeld 1841

India—Income Tax—Question, Mr. Dickinson; Answer, Mr. Grant Duff 1842

West Coast of Africa—The Gambia—Questions, Mr. R. Fowler, Sir John Hay; Answers, Mr. Monsell, Mr. Gladstone 1842

British Honduras—Question, Mr. Barnett; Answer, Mr. Monsell .. 1843

Supply—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

Canada Railway Loan—Resolution—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the provisions of the Act of the Canadian Legislature, 31 Vic. c. 13, do not satisfactorily fulfil the requirements of 'The Canada Railway Loan Act, 1867,'"—(*Mr. Monk,*)—instead thereof 1844

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Motion, by leave, *withdrawn.*

County Government—Resolution—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the principle of representation ought to be applied to the government and financial administration of Counties,"—(*Mr. Campbell,*) instead thereof 1853

After short debate, Question put, "That the words proposed to be left out stand part of the Question:"—The House *divided;* Ayes 61, Noes 39; Majority 22.

Main Question proposed, "That Mr. Speaker do now leave the Chair:"—

Coinage Contracts—Observations, Mr. Muntz; Reply, The Chancellor of the Exchequer:—Debate thereon 1869

Navy—Case of Rear-Admiral Cooper Key—Observations, Sir John Hay; Reply, Mr. Childers:—Debate thereon 1884

Game Laws—Resolution—Amendment proposed,

"That, in the opinion of this House it is expedient that an inquiry into the operation and effect of the Laws relating to Game, especially as regards Scotland, be undertaken by a Committee of this House,"—(*Mr. Loch*) 1898

After debate, Motion, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn:*—Committee *deferred* till *Monday* next.

[*June* 10.] Page

Commons Inclosure Bill [Bill 119]—
Moved, "That the Bill be now read a second time,"—(*Mr. Knatchbull-Hugessen*) 1911
After short debate, Debate *adjourned* till *Monday* next.

Advertisements (Stolen Goods) Bill—*Ordered* (*Mr. Attorney General, Mr. Solicitor General*); *presented*, and read the first time [Bill 159] 1917

Dividends and Stock (Ireland) Bill—*Ordered* (*Mr. Stansfeld, Mr. Chancellor of the Exchequer*); *presented*, and read the first time [Bill 158] 1917

LORDS, MONDAY, JUNE 13.

New Peer—Charles William Fitzgerald, esquire, created Baron Kildare of Kildare in the county of Kildare 1917

Attorneys and Solicitors Remuneration Bill (No. 86)—
House in Committee (according to Order) 1917
After short time spent therein, Bill *reported*, without Amendment; and to be read 3ª on *Thursday* the 30*th instant*.

High Court of Justice Bill (No. 120)—
Amendments *reported* (according to Order) 1921
After short debate, further Amendments made; Bill to be read 3ª on *Thursday* next; and to be *printed*, as amended. (No. 135.)

Appellate Jurisdiction Bill (No. 73)—
Order of the Day for the House to be put into Committee (on Second Re-commitment), read 1928
After short debate, House in Committee.
Bill *reported*, without Amendment; Amendments made; Bill *re-committed* to a Committee of the Whole House on *Friday* next; and to be *printed*, as amended. (No. 136.)

Standing Orders—The Order of Debate in this House—Resolution—
Moved, That the words following be added to the Roll of Standing Orders:—
"That if two or more Peers rise to speak at the same time the Lord Chancellor, and when the House is in Committee the Chairman of Committees, shall call on one of them to proceed, unless the House do otherwise order,"—(*The Lord Stratheden*) .. 1933
After short debate, Motion (by Leave of the House) *withdrawn.*

COMMONS, MONDAY, JUNE 13.

Spain—Treaty of Commerce—Question, Mr. Grieve; Answer, Mr. Otway 1940
Army—13th Lincolnshire Rifle Volunteer Corps—Question, Mr. Welby; Answer, Mr. Cardwell 1941
Keble College—Question, Mr. Vernon Harcourt; Answer, The Solicitor General 1941
British Regiments in India—Question, Mr. Eastwick; Answer, Mr. Grant Duff 1942
Brazil—Crew of the "Mary Hamilton"—Question, Mr. Finnie; Answer, Mr. Otway 1942
Civil Service Competitive Examinations—Question, Lord Claud John Hamilton; Answer, Mr. Gladstone 1943
Foreign Postage—Question, Mr. Crawford; Answer, The Marquess of Hartington 1944
Cost of Ink for the Public Service—Question, Mr. Crawford; Answer, Mr. Stansfeld 1945
India—Income Tax—Question, Sir David Wedderburn; Answer, Mr. Grant Duff 1945
Scotland—Aberdeen Post Office—Question, Colonel Sykes; Answer, The Marquess of Hartington 1946

[*June* 13.]

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ELEMENTARY EDUCATION BILL—Question, Lord Robert Montagu; Answer, Mr. Gladstone 1946

TURKEY—THE FIRE AT CONSTANTINOPLE—Question, Mr. Rylands; Answer, Mr. Otway 1947

University Tests Bill [Bill 105]—
Bill *considered* in Committee 1947
After some time spent therein, Bill *reported;* as amended, to be considered upon *Monday* next.

Stamp Duty on Leases Bill [Bill 59]—
Order for Committee read 1982
After short debate, Bill *considered* in Committee.
After short time spent therein, Bill *reported*, with an amended Title; as amended, to be considered upon *Thursday*, and to be *printed*. [Bill 161.]

Merchant Shipping Code Bill [Bill 24]—
Moved, "That the Bill be now read a second time,"—(*Mr. Shaw Lefevre*) 1987
After short debate, Question put, and *agreed to* :—Bill read a second time, and *committed.*
Moved, "That the Bill be committed to a Committee of the Whole House for Monday next:"—After short debate, Amendment proposed,

To leave out from the words "be committed" to the end of the Question, in order to add the words "to a Select Committee, so far as regards Parts 3 and 6, with power to take evidence with respect to the best mode of preventing overlading of ships and collisions at sea,"—(*Sir John Pakington,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After further short debate, Amendment, by leave, *withdrawn* :—Main Question put, and *agreed to* :—Bill *committed* for *Monday* next.

Board of Trade Bill [Bill 56]—
Order for Second Reading read 2008
After short debate, Bill read a second time, and *committed* for *Monday* next.

RATING (IRELAND)—MOTION FOR A SELECT COMMITTEE—*Moved*,

"That a Select Committee be appointed to inquire into the operation of the present area of rating within Poor Law Unions in Ireland, with a view to ascertain whether such area of rating might with advantage be extended,"—(*Mr. Chichester Fortescue*) .. 2009

After short debate, Debate *adjourned* till *To-morrow.*

Salmon Acts Amendment Bill—*Ordered* (*Mr. Malcolm, Mr. Hambro, Mr. Cameron*); *presented*, and read the first time [Bill 163] 2010

LORDS.

NEW PEER.

MONDAY, JUNE 13, 1870.

Charles William Fitzgerald, esquire (commonly called Marquess of Kildare), Baron Kildare of Kildare in the county of Kildare.

SAT FIRST.

THURSDAY, MAY 5, 1870.

The Marquess of Westminster, after the Death of his Father.

COMMONS.

NEW WRITS ISSUED.

MONDAY, MAY 16, 1870.

For *Suffolk* (Eastern Division), *v.* Hon. John Major Henniker-Major, called up to the House of Peers.

FRIDAY, MAY 27.

For *Leicester County* (Southern Division), *v.* Viscount Curzon, now Earl Howe.

TUESDAY, MAY 31.

For *The Isle of Wight*, *v.* Sir John Simeon, baronet, deceased.

NEW MEMBERS SWORN.

WEDNESDAY, MAY 18, 1870.

Mallow—George Waters, esquire.

THURSDAY, MAY 19.

Longford—Hon. George Frederick Nugent Greville-Nugent.

FRIDAY, MAY 20.

Mayo—George Ekins Browne, esquire.

THURSDAY, JUNE 9.

Suffolk (Eastern Division), Viscount Mahon.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

Second Session of the *Twentieth Parliament* of the
United Kingdom of *Great Britain* and *Ireland*,
Appointed to meet 10 December, 1868, and thence
continued till 8 February, 1870, in the Thirty-
Third Year of the Reign of

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF LORDS,

Monday, May 2, 1870.

MINUTES.]—Public Bills—*First Reading*—Marriage with a Deceased Wife's Sister* (76); Justices of the Peace Qualification* (77).

Second Reading—County Courts Buildings* (70).

Committee—*Report*—Customs (Isle of Man)* (54); Survey of Great Britain, &c.* (71-78).

IRELAND—NATIONAL PARLIAMENT.

PETITION.

LORD TALBOT DE MALAHIDE presented a Petition from the Guardians of the North Dublin Union, praying for the establishment of a Royal residence and a National Parliament in Ireland. This Petition, the noble Lord added, was one of importance, for it did not emanate from a set of enthusiasts or professional agitators, but from a body of gentlemen, with many of whom he was acquainted, and who were of the highest respectability, including landed proprietors and commercial men, of all sections in politics, and belonging to all religions. He could not support the entire prayer of the Petition, for he was opposed to the repeal of the Union. Much as he disapproved some recent legislation affecting Ireland, he did not think an Irish Parliament would improve the position of that country. Much, also, as he deplored the evils which absenteeism tended to produce, he did not think they could be dealt with by legislation. There was, however, one part of the Petition in which he fully coincided, and he believed every loyal man was of the same opinion—he meant when the Petitioners declared that it would be greatly conducive to Irish interests if Her Majesty were able to have a residence in Ireland, for her presence would assuredly confer many benefits. He did not desire to attach undue importance to the Petition; but as a straw might show which way the wind was blowing, so this expression of opinion might indicate to the Government the spirit in which their recent "message of peace" had been received in Ireland.

Petition read and *ordered* to lie on the Table.

IRELAND—ECCLESIASTICAL TITLES ACT—MARRIAGE LAW OF IRELAND.

QUESTIONS.

THE MARQUESS OF CLANRICARDE asked, Whether the Government are prepared to introduce a Bill either to repeal or modify the provisions of the Ecclesiastical Titles Act so far as relates to Ireland; and, if so, whether there is any objection to introduce such a measure into this House? He did not know the precise position in which Bishops of the Protestant Church would be placed after the Act of last year had come into operation; but if Prelates of one Church were allowed to assume territorial titles, it would obviously be inconsistent with religious equality that those of other Churches should be debarred from so doing. He also desired to know the intentions of the Government as to the Marriage Law of Ireland—a subject of greater importance and urgency. The present state of the law, under which questions of legitimacy and property often depend on proof of the religious persuasion of the parents was most unsatisfactory; and it was the more necessary to deal with the matter since, after the 1st of January next, there would be no machinery for testing the validity of marriages even between two Episcopalians. He saw no reason why both these measures should not be introduced into this House at an early day, for their Lordships had at present little business before them, whereas the attention of the House of Commons was fully occupied.

EARL GRANVILLE: I have no doubt whatever as to the importance of both the subjects to which the noble Marquess has referred. With regard to the Irish Marriage Law there exists a state of things which imperatively requires legislation. I believe the Law Officers of the sister country have been consulted respecting it, and I have no doubt that a measure will be introduced; but I must ask my noble Friend not to press his Question as to whether that measure will be introduced into this or the other House. With regard to the Ecclesiastical Titles Act, Her Majesty's Government also feel the necessity for legislation—a necessity that has become the more urgent because since the passing of the Irish Church Act a Bishop has died and a successor to him has been appointed. I hope that my noble Friend the Lord Privy Seal will shortly introduce a measure on the subject.

JUSTICES OF THE PEACE QUALIFICATION BILL [H.L.]

A Bill to repeal the Qualification required by the Act eighteen George the Second, chapter twenty, for the office of Justice of the Peace—Was *presented* by The Earl of ALBEMARLE; read 1ª. (No. 77.)

House adjourned at half past Five o'clock, till To-morrow, Eleven o'clock.

* * *

HOUSE OF COMMONS,

Monday, 2nd May, 1870.

MINUTES.]—SELECT COMMITTEE—Registration of Voters in Counties (England and Wales), Mr. Henniker-Major *discharged*, Mr. Clare Read *added*.

Report—Tramways [No. 205].

PUBLIC BILLS—*Ordered—First Reading*—Game Laws Amendment (No. 2)* [115].

Committee—Irish Land [29]—R.P.

Third Reading—Naturalization * [86], and *passed.*

UNITED STATES—SHOOTING OF CAPTAIN SPEER.—QUESTION.

MR. CUBITT said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether any intelligence has been recently received from Her Majesty's Minister at Washington respecting the trial of the soldiers of the United States Army on the charge of shooting Captain Wilfred Speer?

MR. OTWAY said, in reply, that a communication had been received from the district attorney at Dacotah to our Minister, Mr. Thornton, from which it appeared that John Barrett, the accused, was indicted for the murder in July last. He was then resident in the territory of Montana; but a warrant was issued for his arrest, and he was brought into Dacotah for trial. But he pleaded that he was not ready for his trial, and the case was postponed till the third term of the Court, which will be held in June next. The principal witnesses reside in St. Louis; they are proprietors and captains of steam ships, and they urge the loss they would be put to by being brought to give evidence, and that they would rather be fined than attend.

But warrants had been issued for their attendance, and they would appear at the time. The district attorney had no doubt that the case would be tried in June or July next.

ARMY—COLDSTREAM AND FUSILIER GUARDS.—QUESTION.

Colonel KINGSCOTE said, he would beg to ask the Secretary of State for War, Upon what principle and for what reasons the rule governing the promotion in other regiments, both of Cavalry and Infantry, should not be allowed to apply equally to the Coldstream and Fusilier Guards?

Mr. CARDWELL: In the case, Sir, of the general absorption there is a regulation price for which it is necessary to provide, and the most economical mode of doing so is to permit the step to go in the regiment, and to provide only for the purchase of the first commission. In the Coldstream and Fusilier Guards the question is a question of the over-regulation price. That question will, no doubt, be thoroughly examined by the Royal Commission; but, in the meanwhile, I have not thought myself at liberty to entertain any claim founded on the over-regulation price.

IRELAND—COASTGUARD.—QUESTION.

The Marquess of HAMILTON said, he would beg to ask the First Lord of the Admiralty, Whether it is the intention of the Admiralty to order a man-of-war to be stationed either in Lough Foyle or Lough Swilly during the ensuing summer months?

Mr. CHILDERS said, in replying to the Question of the noble Lord, he would also answer a Question intended to be addressed to him by the hon. Member for Belfast on the subject of the stations of the Coastguard ships on the coast of Ireland. What he proposed was that after the summer cruise of the Reserve Fleet was over, one of the ships of that fleet should return for a few months either to Lough Foyle or Lough Swilly, and it was proposed to send the other ship usually stationed at Kingstown to Belfast for a few months, in accordance with a request which was made to him by the two Members for Belfast and the hon. Member for Carrickfergus.

THE EGYPTIAN LOAN.—QUESTION.

Viscount BARRINGTON said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether his attention has been called to a Loan recently offered publicly by the Viceroy of Egypt in this Country, and whether any, and if so, what communication has been received by Her Majesty's Government from the representative of the Ottoman Porte with reference to such Loan, and whether it is the intention of Her Majesty's Government to take any action in the matter?

Mr. OTWAY: We have been informed, Sir, that there is a proposition for a new loan for the Khedive of £1,000,000 sterling, and we have received from the Ambassador of the Sultan a copy of the protest which the Porte has issued on the subject of the proposed loan. With regard to any action to be taken by Her Majesty's Government on this matter, we assume no right to interfere with capitalists or others who may choose to invest their money in these undertakings. It is for them to consider all the circumstances under which they do so. There will be no objection to lay on the Table of the House a copy of the protest of the Porte against this loan, if the noble Lord or any other Member will move for it.

CONVENTUAL AND MONASTIC INSTITUTIONS.—QUESTION.

Mr. REED said, he would beg to ask the hon. Member for North Warwickshire, Whether he means to extend the proposed inquiry into the Monastic Institutions to Anglican as well as to Roman Catholic Institutions?

Mr. NEWDEGATE: Sir, the terms of the Order of the 29th March are before the House; but they do not, according to my understanding, contemplate an inquiry into any but Roman Catholic institutions, and for this reason —Last year I moved for a Select Committee to inquire into the defects of the Roman Catholic Charities Act of 1860, because the intention of that Act was not being complied with, as is shown by the Return of the Charity Commissioners. All the property of Roman Catholic conventual and monastic institutions is regulated by the Act of 1860; and the inquiry I propose is primarily into the property and income held by these institutions. Protestant convents come within the scope of the Act of 1853, and any property they possess is already within the jurisdiction of the Charity Commissioners, from which jurisdiction the cognizance of the property of Roman Catholic institutions — conventual, monastic, and otherwise—is excluded. My primary object is that the House should receive information which will enable it to remedy the defects of the Act of 1860.

SPAIN—CASE OF THE "TORNADO."

QUESTION.

MR. BENTINCK said, in reference to the circumstance that the Under Secretary of State for Foreign Affairs and the Attorney General having in debate on the case of the "Tornado" cited and relied on documents not communicated to the House—namely, a written statement by a person professing to have been captain of the ship, and also a photograph of alleged instructions given by the owners to the same person; he would beg to ask the First Lord of the Treasury, Whether, having regard to the clear obligation of Her Majesty's Government to produce all Papers relevant to the Question at issue, he will, without delay, lay these documents on the Table, together with the legal evidence of their authenticity, and of the employment of the said person to command the ship?

MR. GLADSTONE said, the hon. Gentleman was justified in his general proposition that it was the duty of the Minister to produce official documents which he quoted; but he thought he had rather misapprehended the nature of the information given by his hon. Friend the Under Secretary for Foreign Affairs. His hon. Friend stated that one of the Papers in his possession was a statement by Captain Holmes, and that he had seen a photograph of the private letter of instructions. The photograph of the private letter of instructions was not in the hands of his hon. Friend; but Captain Holmes made a verbal statement, and all that his hon. Friend professed to do was to convey faithfully to the House the effect of that verbal statement. This the hon. Gentleman would see was hardly a document for production. In order that his hon. Friend might be perfectly accurate he himself took down the statement of Captain

Holmes and read it over to him, and Captain Holmes said he did not wish to make any correction in it. There was no secresy about it, and his hon. Friend would have the utmost pleasure in showing it to the hon. Member, or any other Member who wished to see it.

IRISH LAND BILL—[BILL 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

COMMITTEE. [*Progress 28th April.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 3 (Compensation in absence of custom).

MR. HEADLAM said, he would not move the Amendment standing on the Paper in his name, because it depended on his former Amendment, which the Committee had rejected last Thursday.

MR. SYNAN said, he could not conceal from himself, nor would he attempt to conceal from the Committee, that the proposal he was about to make would be regarded as extravagant; but, notwithstanding this, he put it forward as a most conclusive remedy for the present state of things in Ireland. Without wishing to be disrespectful, he assured the Committee that the land question of Ireland must not be decided on the narrow principles of the law of tenancy in this country. And he was not singular in this. Mr. Campbell, who had written ably on the subject, declared that the whole difficulty could be settled very speedily by one side of the House or the other, provided only it were left to Irishmen. The principle of the Bill, as regards its social aspect, was that, in order to apply a final remedy to the social grievance arising out of the present state of Irish land tenure, the occupier must be secured in his possession. If the Bill had the effect intended by its proposers the security of the possession of land in Ireland was as certain to the occupier as it was to the proprietor; because, unless the latter was prepared to outrage public opinion or to make a sacrifice of a great pecuniary character, he could not in the majority of cases disturb the occupation of the tenant. Under those circumstances, he would ask whether the Amendment he was about to propose was irreconcilable with the principle of the Bill. By his proposal the tenant had every inducement to enter into a contract, because his security would be as permanent as would be his right of occupation under other portions of the Bill. He knew that on the part of many English Members it would be objected that the effect of long leases had hitherto been injurious in Ireland to proprietor and occupier alike, and that they had had the effect of retarding the social and agricultural progress of that country. He might, however, answer that objection on the authority to which he had just now referred, for hon. Members would find it stated in that work that the supposed fact was no fact at all, but was utterly untrue. The long leases which had provoked such censure and condemnation were leases granted a century and a-half ago by absentee landlords to middlemen. It was impossible that the same evil effects could result in the case of leases granted to men who were bound to occupy the land themselves, and who would forfeit the lease in case they sublet. The leases to which the occupiers of land objected were leases in which the tenant was also the gamekeeper of the landlord; in which, on pain of forfeiture, he was bound to keep trespassers and dogs off the land, and do all in his power to to preserve the game. He confessed he should have been astonished if such leases were viewed by the occupier with favour. Burke, treating of long and short leases, said—

> "A furnished and unfurnished house may be taken for any term, however short; but no one would take a house not only unfurnished, but half built, except for a term which, on calculation, will answer with profit all his charges."

Even now, where a lease was granted at all, and where the landlord undertook such improvements as fencing, ditching, and draining, the lease was more commonly for 31 than even for 21 years. In his county, at all events, landlords, as a rule, never attempted to offer a tenant less than a 31 years' lease. The general leasing powers under settlements in Ireland were for three lives, or 31 years, and many of them for three lives and 31 years. For his part, he would prefer a lease for one life and 31 years after, than for the 61 years proposed by his Amendment. It had been objected that 19 or 21 years' leases were regarded as sufficient security for the tenant in Scotland; but those leases were granted at a nominal rent for the purposes of improvement. [Lord Elcho: £5 an acre.] In that case Scotland must be a happy country. He ventured to say that in no part of Ireland was any such rent obtained. The tenant in Scotland undertook to effect the necessary improvements; but it was stated that in these cases the tenant usually—at all events in the Highlands—drove a hard bargain, and would not be content to pay even the small consideration he did were it not that he expected at the end of the term to receive some further compensation for his labours. M. Laveleye, who was a high authority on the question of land tenure in Belgium, and the system of peasant proprietorship, said—

> "The farmer in short leases becomes convinced that in adopting a more perfect method of culture he risks a larger capital without corresponding advantages, and that in the end he will be only labouring to enrich another."

He proposed the present Amendment in perfect good faith, supported by the authorities which he had quoted. Master Fitzgibbon recommended a 31 years' lease; and Mr. Campbell said that such a lease should be given to every tenant in Ireland, with rights of improvement and rights of renewal. He hoped, then, the Amendment would be received by the Committee in the same spirit in which it was proposed, and that it would not be employed by any party or section of the House for the purpose of defeating the Government measure. If he thought such a use would be made of it, he would be the last man to propose the Amendment. He begged to move in Clause 3, line 15, sub-section 3, to leave out "thirty-one," and insert "sixty-one."

Mr. CHICHESTER FORTESCUE said, he would put it to his hon. Friend (Mr. Synan) whether he would be consulting the interests of the Bill, even from his own point of view, by pressing his Amendment. The term of 61 years which his hon. Friend proposed was of very great length; and although the Government were ready to contend for a thirty-one year's lease, which was a valuable lease in Ireland, where it seemed well adapted to the feelings of the people and the circumstances of the country, they were not prepared to go beyond that point. There was an issue which would presently be before the House, and which would be quite different from that raised by his hon. Friend.

Mr. M'CARTHY DOWNING said, that leases of 61 years were by no means uncommon in Ireland. To his own knowledge the Rev. Mr. Townsend had executed 200 leases for 61 years within the last 12 months, and had raised his rental £400, besides refusing a fine. He had previously granted 100 leases of the same description. Of these leases *The Times'* Commissioner, in one of his letters, had spoken in the highest terms. He (Mr. Downing) could say, of his own knowledge, that while before the leases were granted the land was occupied by a most miserable tenantry, they were now among the most prosperous, contented, and happy in the West Riding of Cork. Only a short time ago the tenantry of Mr. Townsend presented him with an address and a service of plate, and among the subscribers were the Catholic clergy. Again, the second Earl of Kingston, who was also a clergyman —and he could state from what he knew that some of the Protestant clergy were among the best landlords in Ireland— had granted 800 leases upon his property in the county of Cork, each for their lives and 31 years; and that part of the county which was once the most lawless, was now perfectly peaceable and prosperous.

The O'CONOR DON said, that the question involved was not whether 31 or 61 years' leases should be granted, but what length of term was to be put into this section which would be most likely to serve as an inducement for the granting of leases. The proposal of his hon. Friend was that a landlord should grant a 61 years' lease, if he desired to relieve himself from the liability to compensation; but scarcely anyone would hold that landlords would grant 61 years' leases in order to get rid of that liability. But there was another point which his hon. Friend would do well to consider. The question before the Committee was, that "31" be expunged; but it did not follow that 61 would be substituted; and if his hon. Friend were successful in his Motion, the result would probably be the insertion of the words about to be proposed by the right hon. Gentleman the Member for the University of Dublin (Dr. Ball). He, therefore, could not support the Amendment of his hon. Friend.

Colonel FRENCH said, his hon. Friend (Mr. Downing) was mistaken in stating that any of the Earls of Kingston had been clergymen.

Mr. DISRAELI: Sir, if we are going to a Division on the proposition of the hon. Gentleman (Mr. Synan), I wish the Committee really to understand the issue before them. The question really is, whether the proposition of the Government for a 31 years' lease should be accepted. I am opposed to that. I am not in favour of the proposition of the hon. Gentleman opposite (Mr. Synan); I am opposed to the proposition for a 31 years' lease. As I find, from several Gentlemen who have spoken to me on the subject, that some perplexity exists as to the issue before us, it is well to state that the issue is whether we accept the 31 years' lease of the Government or not. We have nothing whatever to do with the Amendment of the hon. Gentleman opposite. The hon. Gentleman opposite seems to be annoyed at the prospect of finding himself in the same Lobby with Gentlemen on this side of the House. Well, the annoyance may be mutual. I would, however, make a suggestion to the hon. Gentleman. It does not appear, as far as I have watched the course of the debate, that he has obtained any considerable sympathy from his own side, and, therefore, should he insist on going to a Division, if he will go into the same Lobby as the Government, he will deprive the Division of the disagreeable circumstances he deprecates.

Mr. SYNAN said, he thought he might spare the right hon. Gentleman opposite (Mr. Disraeli) the necessity of going into the same Lobby with him on that occasion. As he found the sense of the Committee was against him, and he had not received the support he had expected, he begged to withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Dr. BALL, in rising to move in page 4, line 15, to leave out "thirty-one" and insert "twenty-one," said: Sir, it is extremely satisfactory that the question now to be presented will come before the Committee disembarrassed of any matter of form, and raising a direct and plain issue between the two propositions. It is exceedingly desirable that the Committee should understand what is the nature of the proposition to be submitted to it, and to what it relates. The Amendment I have to move does not affect the question of the lease to be given where improvements are to be made; it does not interfere with the compensation to be allowed under the Bill where improvements are made or shall be made. The only question that is before the Committee is this—What is to be the term of lease to exonerate the landlord from what is called compensation for disturbance of the tenant or from damages for eviction? The Government propose in the 3rd clause that, if the landlord grants a lease of 31 years, the grant of that lease shall exonerate him from the operation of that clause—that is to say, in any case where a lease is given by a landlord and accepted by a tenant, and where the tenure is under an instrument defining it to have 31 years' duration, at the termination of that lease the landlord will be relieved from any obligation to compensate the tenant for the loss of possession. But the right of the tenant will remain under the 4th clause to permanent improvements, such as buildings or the reclamation of land. Here we are dealing only with the 3rd clause and not with the 4th. The Government have the same provision in regard to 31 years in the 4th clause; and I object to your laying down the same measure of duration to exonerate the landlord from the 3rd clause as you lay down in the 4th to exonerate him from the 4th clause. I say the duration ought to be different, as the principles here applicable are different. We are now, however, only on the 3rd clause, and this ought to be distinctly understood, because the hon. Gentleman opposite who made the last proposition (Mr. Synan) seemed to confuse the two sections together, introducing into his speech topics applicable only to the lease to be given as bearing on compensation for improvements, but not applicable to the lease to be given to relieve the landlord from his obligation in respect of the loss or termination of the tenant's occupation. I hold that it has been affirmed by the judgment of the House that there is to be compensation given in the abstract for disturbance of possession; but the Government themselves, by asserting that proposition and obtaining a majority in its favour, conceded the principle that there is a given tenure or duration of possession, which, if a man obtains, it is just that the landlord should be relieved from the obligation to compensate him at the end of that term. The Government fix it at 31 years, and the proposition I submit is to change the 31 into 21. I assert, in the first place, that a term of 21 years is in itself a very considerable tenure. I have endeavoured to ascertain from the Tables what is the value of a 21 years' lease, taken relatively to the value of the fee. I take the value of a fee simple in Ireland to be 20 years' purchase. That is computed on the supposition that money is of the value of 5 per cent, and it is quite plain that 20 years' purchase does assume the value of the money to be 5 per cent. On this basis, then, taking the value of the fee at 20 years' purchase, a lease of 21 years, such as I propose, would be equivalent to 12·82 years, or nearly 13 years out of the whole 20 years' purchase, while a term of 31 years would be equivalent to 15·59 years, or nearly 16 years out of the 20 years' purchase. Therefore, the demand of the Government is, that the landlord shall give the tenant close upon 16 years of the 20 years' value of the fee. That, on the face of it, shows that 31 years is too long a term. On the other hand, in proposing a 21 years' lease, instead of a 31 years' lease, the value of which, as I have said, bears the proportion of 12·82, or close upon 13 to 20 the entire value of the fee, I think I am not offering an inconsiderable or limited term. Therefore I hold that a 21 years' lease is a liberal and advantageous lease for the tenant, and, assuming it to be a liberal and advantageous lease, there are some considerations of policy in its favour. I think it was an error on the part of the Government, whatever term they adopted, to adopt the same term in Clause 3 and in Clause 4. Your object in the exception in both clauses is this—you want to encourage a lease. I object to your laying down one standard and encouraging one single lease for this reason, that if you do all leases will fall in simultaneously, and when they so fall in you will enable combinations to be established to carry out the same organized system as we have at the present moment. If you by compulsion, or by devices equivalent to compulsion, say you will have one fixed and stereotyped form and duration of lease to be applicable to tenants in all parts of the country, there is great danger that when their leases are all at one time coming to an end they will resist any alteration of the relations of landlord and tenant, and demand the renewal of precisely the same tenure again. In the 4th clause, which deals with improvements, a pressure is put on the landlord to give the tenant a 31 years' lease, otherwise he would not be exonerated on the termination of the tenant's occupancy from paying for drains in the case of wet and marshy land; but in the 3rd clause the exoneration is applicable to land on which no improvements are required, or only such improvements as are of trifling value. By retaining the term of 31 years in the 4th clause, and by amending the 3rd clause by the insertion of the term of 21 years, the result would be not that leases would be granted either for 21 years or 31 years merely, but you would find leases granted for 22 years, 23 years, and so on, and consequently they would be falling in at different periods. That I consider an advantage in a political point of view, because I do not deem it desirable that the whole of the tenures in Ireland should be placed on such a basis as that they would all simultaneously require re-adjustment in one particular year. There is another reason which makes the term of 21 years for a lease desirable. If a man gives a 31 years' lease there is no prospect, in the ordinary course of things, that he and the tenant would ever make an arrangement together again. Now I say it is not desirable that the tenant should feel that when his lease terminates he will have to face a different landlord. Such a course would encourage ideas utterly at variance with all those feelings and obligations existing in the relation of landlord and tenant, and which, with all your legislation, you never will eradicate—the sentiment of a moral obligation on the one hand, and on the other a feeling of gratitude for favours and benefits received. I believe that a term of 21 years in reference to leases would have a tendency to keep up the idea that there is a relation between landlord and tenant, because that is a term which might afford to any landlord the hope of again seeing his tenant, and exhibiting towards him the same kindness as he had previously shown. Having made these few observations bearing on the policy of the proposition I am about to make, I will now state what has been the practice in reference to leases in Ireland. I find, by a Paper taken from a Return made by the Poor Law Commissioners, that the number of leases for 21 years or less is 25,000, and the number exceeding 21 years, and not exceeding 31 years, is about 22,000. There is a greater number of leases for lives—namely, about 28,000; and for three lives, or 31 years concurrently, the number is 30,000. Hence it appears that there is a considerable number of leases for 31 years, and I will also add that a much greater number of leases for 21 years has been made of late than formerly. Those who manage their estates best in Ireland, and among them some of the greatest English proprietors, have selected the period of 21 years in preference to the more extended term of 31 years, holding the latter to be too long a period, inasmuch as it puts the matter out of the hands of the existing generation. Moreover, it was found that when the Irish tenants had leases of 31 years, or three lives, they covered the land by subletting and subdividing. A lease for 31 years was always considered of the same value as a lease for three lives, and that is the reason why leases were granted for three lives, or for 31 years concurrently. Now, I say, encourage under the 3rd clause the grant of leases for 21 years when the land is taken for ordinary occupancy, and encourage leases for 31 years under the 4th clause in cases where improvements are to be made. I now come to some authority which appears very much to bear on this question, and I have been greatly influenced in thinking that the term of 31 years is too long by the fact that a Committee of the House of Lords, composed of men of great ability, did not recommend a 31 years' lease. The Chairman of that Committee was a large Irish proprietor, with a vast knowledge of the circumstances of Ireland, and of great sagacity—the Marquess of Clanricarde. I find on that Committee the names of the Duke of Devonshire, the Earl of Clarendon, and the Earl of Kimberley — the two latter being ex-Lord Lieutenants of Ireland — and also the names of two ex-Lord Chancellors, Lord Westbury and Lord Cairns. I want to know to what better source you could go for authoritative statements on this subject? But those noble Lords did not act on their own judgment in the matter. They took evidence not merely on the point of land tenure, but also on that of improvements. The longest tenure suggested by that Committee was 25 years. The Committee never dreamed of any compensation for occupation. They were dealing with the large question of improvements. But I will refer you to some of the evidence. Among the witnesses examined was Mr. William Steuart Trench, who manages estates in Ireland for the Marquess of Lansdowne and the Marquess of Bath, and who, probably, is known to most Members of this House by his book, which gives a picture of Ireland in respect of the relations of landlord and tenant. I rely not so much on the book as on his experience as a land agent. The Marquess of Clanricarde asks him this question—

> "What length of lease do you recommend generally for a farmer, properly so called?"

He replies—

> "Twenty-one years is what I always advised and recommended."

He is then asked this question by the Earl of Kimberley—

> "If a tenant was about to erect a house upon land let to him for agricultural purposes, would a lease for 21 years in your opinion be sufficient?"

He replies—

> "Certainly not, if he was about to do so at his own cost."

He is then asked by the same noble Lord—

> "How long a lease do you think would be a fair term for a man who was about to erect a house and suitable premises at his own expense?"

He answers—

> "Thirty years, in my judgment, provided that the house was suitable in nature and extent to the farm he occupied, and that the farm was of sufficient size, so that consequently the house would be of sufficient size."

The answers to those questions bear out the view that I ask the Committee to take—namely, that under ordinary circumstances a 21 years' lease would be sufficient, and that 31 years' lease would amply compensate for improvements. I find that before the same Committee Mr. U. R. Mackay was examined. He holds 600 acres of land in the county of Cork as a tenant-farmer. In answer to a question put to him by the Chairman of the Committee, he says—

> "I think that 21 years would be sufficiently long on the generality of farms to develop the farms to their full maximum fertility, and under proper encouragement I think that would be done."

I am not now referring to improvement, I am speaking of farming leases; but in this Bill no distinction is drawn between the two cases. The landlord is equally punished in both cases. Mr. Brooke, one of the Masters in the Irish Court of Chancery, says he believes the tenants would be quite satisfied with leases of 21 years, and would not look for more. Mr. Kincaid, another witness, says that in the case of building a 31 years' lease ought to be granted; but that is in accordance with what I want to lay down. I contend that there ought to be a difference between leases for improvements and buildings and mere farm leases. I admit, however, that there was evidence before the Committee which went rather further than that to which I have been referring. The hon. Member for Cork (Mr. Maguire) was examined. The hon. Member had previously obtained a Committee of this House on the land question, and much valuable evidence was elicited before his Committee. Before the Lords' Committee he intimated that he would not be content with a 21 years' lease; but when you come to examine the reasoning of the hon. Member—unless I altogether misunderstand his evidence—I think you will find that he is referring to improvements, and that he thinks nothing less than a 31 years' lease would do in the case of improvements. In his answer to one of the questions put to the hon. Member there is this passage—

> "My idea is that a lease of 31 years, which is about the popular lease in Ireland, would be the best for encouraging agricultural improvements, and the best to induce the tenant to improve the land and to expend whatever capital he may have upon the land; and I know that there is much more capital in the country than people generally imagine. But that 31 years' lease, in my opinion, would not cover all legitimate claim for compensation. If a man built a house, at the termination of the 31 years I would give him a claim for compensation for its value."

But what is the meaning of all that reasoning? It shows that the hon. Member is not speaking of the compensation with which we are now dealing, but of compensation for improvements. The compensation with which I am dealing is that which it is proposed the landlord must pay as damages for eviction, and an Amendment of which the Chief Secretary for Ireland has given Notice powerfully supports my proposition. The 3rd clause has been objected to on this side of the House, not so much by Irish as by English Members. It has been objected to on the other side also. But the Government preserve it with the qualification of which the right hon. Gentleman has given Notice—namely, that the clause shall be law for only 20 years, unless Parliament shall otherwise direct.

Mr. CHICHESTER FORTESCUE: Certainly not. My Amendment does not apply to the whole clause, but only to that part of it which prohibits the parties from contracting out of it. That is quite a different thing.

Dr. BALL: I thought it applied to the whole clause; but even if it does not, yet my argument remains of the same force, for the existence of the clause depends on the coercive portion of it. The coercion is what keeps it alive. Is it not as plain as light that if the Government give us the power of contracting out of it we shall not contract into it? I shall not detain the Committee at any greater length. The question is one between 21 years and 31 years. I say that statistics, the opinion of competent authorities, and good policy are in favour of 21 years. It will be sufficient to protect the tenants from capricious eviction, and they would not have asked for more if dangerous and extravagant expectations had not been suggested to them.

Amendment proposed, in page 4, line 15, to leave out the word "thirty-one," and insert the word "twenty-one."—(*Dr. Ball.*)

The Marquess of HARTINGTON: Sir, I am not one of those who ever thought this Bill erred, or erred greatly, in the direction of too much concession to the tenant. In my opinion, when Parliament made up its mind to deal with this question—when once it had resolved to go beyond the mere consideration of improvements, and to legislate on the relations between landlord and tenant in Ireland—it ought to have decided on doing so in a comprehensive manner, and in a manner which would afford us hope of effective results. It is therefore I have seen with regret some Amendments which have been, I will not say forced on the Government, but pressed on the Government by the evident feeling of the House. I saw with regret, I admit, that the limit at which the landlord and tenant might contract to be removed out of the scope of the Bill was brought so low as £50. I also regretted to see the Amendment placed on the Paper by my right hon. Friend the Secretary to the Lord Lieutenant, by which the tenant-at-will of a farm valued at more than £100 will not be entitled to the benefit of this clause. I regret these two concessions, though I am quite willing to admit that they have been—not forced, but pressed upon the Government by the evident feeling of the House, because I believe that in Ireland there are many tenants of farms not only over £50, but over £100 per annum, who are not in that independent position which is occupied by similar tenants in England; and who are in need, though not in such great need as others, of protection under this Bill. But I can perfectly understand the reasons which have induced the House to press upon the Government these concessions. I can understand that the House is willing to legislate for the very poorest and most dependent class of tenants, though they would be extremely jealous of interfering with the relations between landlords and those tenants who are in a position to look after their own interests. This Amendment, however, if carried, will be unlike those Amendments to which the Government have agreed; it will not restrict the number of persons to whom the Bill will apply, but will restrict the protection which will be given by the Bill to the very poorest and most dependent class of tenants. If a landlord can force a tenant to take a 21 years' lease—as is proposed by this Amendment—the tenant will have forfeited the protection which this clause could otherwise have given him. I say "if a landlord can force a tenant to take" such a lease, because I believe it will require something amounting almost to force to induce an Irish tenant to take a 21 years' lease. Every Gentleman connected with Ireland will bear me out in the assertion that leases for so short a term as 21 years have ever been, as they are now, extremely unpopular with Irish tenants, and that under a reasonably good landlord they would prefer to remain tenants-at-will rather than take such leases. Then, I ask, what will be the effect of this Amendment? By that part of the clause which has already been passed the House has done that which will make it more than ever the interest of a landlord to force his tenants to take 21 years' leases; and inasmuch as a more secure character has been given to the ordinary tenure from year to year, the House has made it still more to the interest of the tenant than it has hitherto been to refuse to take these leases. Now, I want to know whether it will be wise or expedient, by passing this Amendment, to make landlords force upon their tenants those very leases which they have hitherto disliked, and will in future dislike still more? When we are trying to introduce into Ireland a better state of things than has hitherto prevailed, it would be a most suicidal policy on the part of the House to introduce such a provision as this, the very first operation of which will be to introduce a new element of discord into that country. A 31 years' lease, however, is very well understood, and in many cases is perfectly satisfactory to Irish tenants. It is what they have been accustomed to; it is what they have often asked for; it is what they are willing to accept; besides which, there is another reason why the term should be 31 years rather than 21. The right hon. and learned Gentleman (Dr. Ball) was extremely anxious that there should be a proper relation between the various clauses of this Bill; but in his anxiety to secure such a relation between the 3rd and the 4th clauses he entirely omitted to consider that his Amendment would wholly destroy the symmetry of the 3rd clause itself. What have we already done by the 3rd clause? We have certainly given a very considerable amount of security to tenants from year to year against capricious, causeless, and unnecessary eviction; for in case of such eviction a tenant from year to year will be entitled, under certain circumstances, to no smaller a compensation than seven times the amount of his rent. Then, I ask whether the protection given by a 21 years' lease would be at all commensurate with the protection which is given by the third part of this clause to tenants from year to year? The Bill says that in future a landlord may do one of two things—he may either let his tenants remain tenants-at-will; or if he prefers to retain his present power of making such changes on his estate as he thinks necessary, he must run the risk of having to pay damages in cases of evictions which it may be decided are capricious; or, if he likes to forfeit some of the power which he has hitherto enjoyed, he may make himself quite independent of any legal penalties, but he must divest himself for 31 years of the power of eviction. The right hon. and learned Gentleman went into some very abstruse calculations; but it is a question upon which anyone can easily make up his mind. Would anyone in this House prefer a tenancy-at-will, protected as he will be in his tenure by the previous part of this clause, or would he prefer a tenancy for 21 years, at the termination of which there may be a re-valuation of his farm? The Government have made inquiries, and have obtained such information as they could about this matter, though the time which has elapsed since this Bill was introduced has not been sufficient to enable any very great amount of information to be obtained; but I believe the opinion of all competent witnesses upon this subject to be that tenants-at-will almost invariably prefer a protected tenancy—as it will be under the clauses of this Bill—to the security of a lease for only 21 years. The right hon. and learned Gentleman said he thought it extremely wrong that the term should be the same in both the 3rd and the 4th clauses; but I am quite unable to follow him in that argument. It appears to me that the proviso in the 4th clause is the necessary complement of the proviso in the clause which we are now discussing, as the two cases are almost parallel. We wish to give the tenants in future one of two kinds of security—either by means of damages or by means of leases. We wish also that a clause should be imposed on landlords binding them to compensate a tenant for unexhausted improvements on his quitting his farm; but here also we say that a landlord may relieve himself from that necessity by granting a lease which shall be an adequate security to the tenant. In spite of all that we have heard from the right hon. and learned Gentleman, I still think that the security ought to be the same in both cases; and I therefore cannot see the reason why the term agreed to by him in the 4th clause should not also be the term in the 3rd clause. His argument about all the leases falling out simultaneously was very ingenious, but I think rather far-fetched. I ask him—as he is well acquainted with the land tenure of Ireland—whether he really believes that, after the passing of this Act, there will be a great and simultaneous rush by the landlords to give their tenants 31 years' leases? I cannot boast of any very intimate knowledge of Ireland; but I know enough to say that that will not be the case. I do not think that the landlords will view this 3rd clause with that terror and trepidation which it appears to cause in the minds of some English and Scotch Members; but I believe that, in the great majority of cases, affairs between landlords and tenants in Ireland will go on precisely as they have hitherto done. [*Laughter.*] That statement appears to cause some amusement on the other side of the House, and it may be regarded as a damaging admission, though I do not think it any admission whatever, for I have never supposed that the great majority of Irish landlords are bad ones. On the contrary, I believe that Irish landlords have, as a body, done their duty to their tenants, while they have, perhaps, put up with more, and sacrificed more, than any body of landlords in either England or Scotland have done. But probably there are among them some who are inclined to use the power the law gives them with somewhat more than strict justice, and even with severity; and they have produced discord and have brought unpopularity and distrust upon all. I think the landlords of Ireland would, of all people, be the most grateful to Parliament for passing this Bill, in which there is not a provision that will force them to do more than the majority of good landlords willingly do now. I cannot see why the landlords of Ireland, good as I believe them in general to be, should object to a measure which will give to the tenants that sense of security which, in fact, they now possess, but which the acts of a few have hitherto prevented them from feeling. The right hon. and learned Gentleman, having exhausted his political and moral objections to this proposal, quoted several authorities; and, considering what Peers composed the Committee of the House of Lords, I have the greatest possible respect for the opinion of that Committee; but I do not think that, upon such a subject, the opinions of any body of men could be absolutely conclusive, when so large a proportion of them were by feeling, habit, and association, closely connected with the landlord rather than with the tenant side of the question; and I do not think it at all certain that the opinions they expressed in 1867 would necessarily be those which they hold now. That Committee, probably, was not prepared to recommend what has already been passed by this House—namely, the adoption of the principle of compensation for eviction; and I do not feel it is at all certain that, if the Lords' Committee had compared the practice of tenancy-at-will, as it will be in the future, with leases, they would have recommended a shorter term of lease than that which is proposed by the Government. Therefore, I should not hold the opinion of the Lords' Committee, whatever it might have been, at all conclusive upon this matter. I suppose that, on such a point, authorities might be quoted in tolerable number upon either side, and I might cite an opinion, already sufficiently quoted, of Judge Longfield, who does not think 31 years too long, but, on the contrary, recommends 41 years. On all sides it is admitted that great attention has been paid to this subject by Mr. Campbell, who says that 31 years should be the term of the shortest lease; and the Government, seeking the best advice they could get, have received the unanimous opinions of others which I cannot quote, to the effect that nothing short of a 31 years' lease would be acceptable. To my surprise the right hon. and learned Gentleman quoted a Return of the number of agricultural holdings in Ireland, and I might quote it to prove my case. It is quite true there are in Ireland 25,000 leases for 21 years or a less term; but these include all the leases which are given by the Court of Chancery, and every description of lease varying from one year to 21 years. And if there are 25,000 leases for 21 years and less, how many are there for longer periods? Why, of leases exceeding 21 years and not exceeding 31 years, leases for more than 31 and less than 60 years, leases for more than 60 and less than 99 years, leases for terms exceeding 99 years, leases for lives, leases for lives or years alternative, leases for lives renewable for ever, and leases in perpetuity, there are very nearly 100,000, all being for a longer term than 21 years. Therefore, when the right hon. and learned Gentleman quotes the Return to show that there are

25,000 leases for 21 years and under, I can cite it to show that there are in Ireland four times that number of leases for longer terms; and that, I think, shows conclusively that leases for a longer term than 21 years are not only desired by the tenants but adopted by the landlords. Twenty-one years may be a good term for England and Scotland, if landlords and tenants think so; and it may be adopted in Ireland, if landlords choose to pay compensation at the end of the tenancy; and further, landlord and tenant may make exactly what agreement they please in respect of any tenancy of over £50 a year, which would surely represent a farm quite small enough to try the Scotch system upon. I most heartily hope the Committee will not agree to the Amendment of the right hon. and learned Gentleman; but that they will assent to that term which, after full and mature consideration, has been adopted by the Government.

Sir ROUNDELL PALMER: Sir, the Committee are aware that on a former occasion I expressed a strong opinion that any *bonâ fide* lease ought to be excepted from the operation of this clause; and the Committee are also aware that I have been to some extent obliged from time to time to vary the ground which I originally took with regard to what was to be deemed a *bonâ fide* lease. In the first place, applying my judgment as an English Member acquainted with things in England, it appeared to me that a term of seven years was sufficient. Afterwards, under the advice of some of those about me, I put upon the Paper a Notice in favour of 14 years, and now the right hon. and learned Gentleman opposite (Dr. Ball) thinks 21 years is the minimum which should be introduced. Having upon a former occasion assured the Committee that I would not be a party to taking any step which the Government might regard as imperilling the Bill upon any question or difference of opinion as to a point of policy, not to my mind involving an issue of principle or an issue of justice, I feel bound to act upon that assurance now, when I see the very narrow limits within which the question is confined, and when I consider that the 3rd clause does not touch existing leases, however short in duration, the retrospective part of it being applicable only to tenancies from year to year. As the noble Lord below me (the Postmaster General) has justly said, the concession made by the Government reduces the question we are now considering to future contracts for leases of holdings under £50 in value. No one, probably, would think of giving leases for holdings of less value than £20; and the question is, whether we shall take issue with the Government upon the number of years for tenancies between £20 and £50? Further, the prospective part of the clause does not prohibit the granting of leases for 21 years and under; it only says that, if they are granted, there shall be engrafted upon them the condition that if the landlord does not allow the tenant to remain at the end of the term the tenant may claim compensation for the loss sustained in quitting his holding. In making their bargains the landlord and tenant may in all other respects deal together as they please, and if they should deal so as to indemnify the landlord there is nothing to prevent their doing so. Under all the circumstances, I should not be acting consistently with the engagements into which I have entered with the House if I voted against the Government upon this question. With respect to the concessions of the Government, I regard them only as concessions to views very largely entertained in this House—not in the interest of landlords a bit more than in the interest of tenants, but in the interest of society generally. The Government have divided the scale of compensation, so as to reduce the claim of a tenant under this clause when made separately for improvements and for loss of holding; as to future tenancies they propose to give unlimited power of contract in respect of holdings above £50 in value; and they propose to fix the limit of value within which existing yearly tenants may claim compensation for disturbance at £100. I frankly confess I should have preferred a lower limit, so as not to give any bonus at the expense of the landlords to independent tenants, such as I believe all above £50 value to be, who are well able to take care of themselves. But the principle of the limitation is of much more moment than the precise figure at which it is fixed. On another point also, that relating to the *onus probandi* as to improvements, the Government have made a proposal which goes far to meet the object of an Amendment of which I had given Notice on the

5th clause; they propose to take four large and well-considered classes of cases out of that clause as it originally stood. I recognize in these proposals of the Government, and in the way in which they have met the suggestions I have made, a disposition fairly to consider what has been recommended on this side of the House, on points of principle and on points involving considerations of justice. Taking that view of what the Government has done, I shall not be able to go against them upon so abstract a point of policy as that one particular lease of 21 years is to be preferred to another lease of 31 years, the Government saying that they think it important to maintain the line they have drawn.

Question put, "That the word 'thirty-one' stand part of the Clause."

The Committee *divided*:—Ayes 290; Noes 209: Majority 81.

Amendment proposed, in line 15, after "years," to insert—

"Or for a term of a life or lives, with or without a concurrent term of years, and which lease has existed for thirty-one years before the making of the claim."—(*Sir Henry Selwin-Ibbetson.*)

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he hoped the hon. Baronet would not press his Amendment, inasmuch as it would tend to create uncertainty in the dealings between landlord and tenant.

DR. BALL said, he was in favour of the Amendment, and he thought that the arguments used that evening by the noble Marquess the Postmaster General tended in that direction. The tenure for lives appeared to be the most popular form of tenure in Ireland; for, while the number of leases for 21 years and less was about 25,000, for 21 years, and not exceeding 31, about 22,000, the number for lives and years concurrent was 30,000, and the number for lives alone 28,000. He could not understand the policy of the Government in encouraging leases for years in preference to leases for lives. It appeared to him that a lease to a tenant for his own life was as good a lease as he could have, because the landlord knew him and was sure of his being a fit tenant; but he could not tell who was to come after him. He was possessed of some land on the north side of Dublin, and he knew that the tenure of land in that neighbourhood was the Prince of Wales' life. He believed most Irish Members would agree with him that a lease for two lives was considered as good a tenure as a lease for a certain term of years.

MR. CHICHESTER FORTESCUE said, he could not agree with his right hon. and learned Friend (Dr. Ball) that leases for lives were the most popular kind of leases in Ireland at the present day, although they were formerly necessary for electioneering purposes. A lease for a life or lives might be a good or a bad lease; but he did not think Parliament ought to regard it as an equivalent to the other privileges conferred by this clause. The proviso that the lease should have existed for 31 years before the making of the claim did not mend the matter, because that was an accident which could only be proved at the termination of the arrangement; whereas the Government desired that the landlord and tenant should, at the time of making the contract, be aware of the terms which were to have the effect intended by the clause.

MR. SYNAN said, that a lease for lives was, in substance, as good as a lease for years, and, indeed, it was preferred in Ireland. As the Amendment was framed, however, the lease for lives might be made either with or without a concurrent term, but if it were made without a concurrent term, who could insure that the life or lives would continue for 31 years? He did not see how the Amendment could be accepted unless its form underwent a change.

MR. W. ORMSBY GORE said, he hoped the Government would not in any way encourage the granting of leases for lives. Formerly they were often granted for electioneering purposes; but on all the best managed estates in the West of Ireland the system had been wholly abandoned.

MR. SERJEANT SHERLOCK said, he was of opinion that a lease for lives would introduce an ingredient of uncertainty which would prove absolutely injurious to both landlord and tenant. It was often a matter of difficulty in Ireland to ascertain whether the lives for which a lease was given were in existence or not, from the system of emigration and travelling that prevailed.

SIR HENRY SELWIN-IBBETSON said, he would not press the Amendment to a Division; but he should raise the question again on a subsequent clause.

Amendment, by leave, *withdrawn*.

MR. G. B. GREGORY said, he rose to move, after the word "years" to insert—

> "Or for any shorter term which shall be sanctioned by the Court in manner hereinafter provided."

To explain this Amendment, he would read the following new clause, the introduction of which he intended afterwards to propose (Leases or contracts approved by Court):—

> "Notwithstanding anything in this Act contained, it shall be lawful for a tenant to enter into any lease or contract provided that the Court, upon examination of the same and consideration of the circumstances, shall be satisfied that such lease or contract is for the benefit of the tenant, and shall signify its approval of such lease or contract on behalf of such tenant accordingly.

He admitted that that clause embodied to a great extent the idea comprised in the Amendment proposed, but eventually withdrawn by the hon. Member for Londonderry (Sir Frederick W. Heygate). He himself suggested the withdrawal of that Amendment, because it was open to the objection that under it the landlord and tenant would make a contract which might be forced on the latter, and would simply apply to the Court to sanction it. Such an objection was not, however, applicable to the present Amendment, which he sincerely proposed in the interests of the tenant. What he contemplated was, that the tenant, after entering into an agreement with the landlord, should ask the Court, as his natural protector and guardian, to decide whether the agreement was one which, under all the circumstances, would be for his benefit. The proprietor of a holding might, for example, contemplate attaching it to another holding, making it a part of his demesne, or using it for building purposes. He might, consequently, wish to let it on very easy terms, on condition that he should have the power of regaining possession when he required it. If, in such a case, the landlord were liable to the penalties imposed by this Bill, he would most probably refuse to let the land go out of his possession at all. Again, when a landlord was willing to let a farm on easy terms to an old servant who was past active work he ought not to incur the penalties imposed by the Bill. The Amendment he now begged to move would extend protection to Irish tenants, and he trusted the Government would accept it.

MR. CHICHESTER FORTESCUE said, the point involved in the Amendment had been already raised by the proposal made by the hon. Baronet the Member for Londonderry (Sir Frederick W. Heygate), which was withdrawn in deference to the feeling manifested by the Committee. He would repeat what he said on the former occasion, that the Government did not think it desirable to leave a matter of this kind to the discretion of the landlord. It would be going a great deal too far to ask the Court to decide what manner of lease should be sufficient to bar the privileges which the House had already conferred.

SIR FREDERICK W. HEYGATE said, he wished to point out that his proposal had been distinct from that of the hon. Gentleman (Mr. G. B. Gregory), inasmuch as he (Sir Frederick W. Heygate) proposed that landlord and tenant together should go to the Court. Substantially, no doubt, the question had been already decided; but as they proceeded with the clauses, it would be found more and more difficult to leave its provisions upon the point as they stood at present. The effect of leaving landlords in a state of uncertainty as to the position in which they would ultimately find themselves would be to induce them to keep the land in their own hands, which certainly was not the object aimed at by the Bill.

Amendment, by leave, *withdrawn.*

MR. PIM said, he would beg to move, in Page 4, line 17, to leave out from "in" to end of line 21. These four lines added nothing to the value of the clause, while three or four Notices of Amendment to them had been given.

MR. CHICHESTER FORTESCUE said, that as the omission of these words made no real change in the meaning of the Bill, he was prepared to assent to the proposal.

Amendment *agreed to.*

MR. KAVANAGH said, he would beg to propose an Amendment which he thought important to the maintenance of law and order in Ireland—Clause 3, page 4, after sub-section 3, insert—

> "Any tenant who shall after the passing of this Act be convicted of any indictable offence shall not be entitled to any compensation under this Act."

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he hoped the hon. Member would not press this Amendment, which was of a very sweeping character. A tenant who assaulted a man at a fair committed an indictable offence. Again, a man who libelled another might be indicted, and under these words he would forfeit all claim to compensation. What the hon. Member no doubt meant was a class of offences connected with the holding of land; but the Government had considered this class of cases, and felt that it would be very difficult to deal with them.

DR. BALL said, he also felt that the terms of the Amendment, as put upon the Paper, were too wide. His hon. Friend (Mr. Kavanagh), no doubt, intended to deal with a class of very aggravated crimes—such as shooting with intent.

Amendment, by leave, *withdrawn.*

MR. J. S. HARDY said, he thought that some limit of occupation ought to be fixed, before the tenant acquired such a beneficial interest as would entitle him to compensation for disturbance. The limit of three years seemed to him a fair one; on the one hand, sufficiently long to enable a landlord to discover the character of his tenant, and, on the other, sufficiently short to prevent capricious evictions. One year's residence was required to enable a man to obtain the suffrage; and only the other night the Solicitor General, in speaking on the Naturalization Bill, contended that a five years' residence should be required before a person not a natural-born British subject should be entitled to hold land in this country. Provided the Government would accept the principle of his Amendment, he should not insist upon the adoption of the particular term of years he had proposed in it. By the adoption of his Amendment the tenant would not be placed in a worse position as regarded the compensation he was to receive for his improvements. There might be many reasons why a landlord might desire to change his tenantry, which the Court might not accept as satisfactory. Thus, for instance, they might have quarrelled among themselves, or a person possessing the peculiar characteristics of Mr. Murphy might have settled in a Roman Catholic village and endangered the peace

of the neighbourhood. Surely the landlord ought to have power to remove him without subjecting himself to the burdens of this clause. He might be told that a landlord could choose his tenant at the beginning of the tenancy, and that the Bill would not oblige him to accept any particular tenant, and that where a tenant claimed compensation for ejectment the Court would have power to take cognizance of all the surrounding circumstances. But it was for Parliament clearly to declare what they intended to enact, and not merely to draw an outline, leaving it to the Court to fill up the details. He had not any very great hopes of the success of this Bill, otherwise he should have supported it with greater pleasure. He feared that the state of Ireland was such that no measure that was likely to be passed by that House would be of much avail. The only chance there remained of restoring a proper tone to society in that country was by inducing a more kindly feeling to spring up between landlords and tenants, by giving security to the tenants without forcing upon the landlords tenants with whom they might disagree upon every point. He trusted that the Government would grant the landlord some little time to enable him to ascertain what sort of a person the tenant was before the latter obtained a right to compensation for disturbance. He begged to move in Clause 3, page 4, after line 21, to insert—

"(4.) No tenant shall be entitled to damages for disturbance in his holding under this Clause who shall not have been in occupation for at least three years."

THE CHANCELLOR OF THE EXCHEQUER said, he must point out that the Amendment of the hon. Member attacked the vital principle of the Bill to which the House had already agreed—namely, that the tenant was to receive that amount of compensation to which the Court should find he was entitled for disturbance in his holding. If the Court should be of opinion that, owing to the tenant's misconduct, he was not entitled to any compensation, then the clause would be superfluous; whereas if the Court should be of opinion that he was entitled to compensation the clause, coming in to deprive him of it, would be unjust, and would be calculated to arouse the angry feelings that the Bill was intended to allay. He did not think there would be the slightest difficulty in getting rid of a tenant resembling Mr. Murphy; because, if the landlord were not rich enough to buy him out, the neighbours would cheerfully subscribe in order to get rid of him. That would be a charming thing for the landlord. He hoped the hon. Member would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Mr. CORRANCE moved to insert, after line 21, the following:—

"Where the claim of the tenant of any holding (being less than twenty pounds valuation), shall have been redeemed by the landlord, either by mutual agreement or subject to the award of any Court constituted by this Act, no further claim shall accrue against him for disturbance or loss of occupancy in virtue of any tenancy created subsequently, either from year to year or leasehold, in any sum exceeding two years' rent in the case of holdings valued as aforesaid at ten pounds and under, and in any sum exceeding one year's rent in the case of holdings above ten pounds and under twenty pounds, as aforesaid."

In the consideration of this clause we have now made some progress; and this, no doubt, is a matter of very legitimate subject of congratulation to the Committee. Now, this clause is said to be the Bill; of all other provisions it forms the basis, and before I move the Amendment I offer, I shall beg leave very briefly to review it. Now, I must ask the Committee to remember this—that I have given my consent to this clause upon a very important section. I consent to the recognition of a distinct loss to the tenant caused by the act of disturbance; but to this, in my own mind, has occurred a most important series of limitations. In this clause these are most imperfectly recognized. Let me enumerate the principal objections. In the first place, it takes place upon too wide an area, and thrusts itself into places where it is not required; secondly, it is irredeemable and permanent; thirdly, it places too narrow a limit upon free contracts; fourthly, it most imperfectly defines the act of disturbance. And to these imperfections it adds another, which brings me to the subject of my Amendment. This clause, in establishing this rude and general manner, takes no distinction between tenants of the present and tenants of the future, or tenancies of the heretofore previous to compensation, and those created after such an act of justice. Is there no such distinction? Are we to assume that those who framed this Bill acted upon such an assumption? We have certainly heard a remarkable statement to-night from that Bench, which would favour such a conclusion; but it was one I heard from Ministerial lips with astonishment, nay, I may say, with consternation. Why, the noble Lord the Postmaster General told us that after this Bill things would go on much the same as usual. I ask, is that the opinion we are to accept and act on? I shall assume the contrary. I must assume that when the existing tenant shall have been recouped for his present interest and improvements, that with the next tenant will also come a very different state of relation. Why, it must be so, from the natural operation of the clause, and I think that this will be seen from the previous arguments of the right hon. Gentleman the Chief Secretary for Ireland upon them. Why, when we considered the scale, and some objection was taken to the proportionate amount given to the smaller tenants—and it is the smaller tenant alone I refer to—his reply was this—"That this amount must be held to include, not only disturbance or loss of occupation, but also a considerable amount of undefinable improvement." Now, let the Committee remark this, that such uncertainty will cease from the first period of legal compensation; and more than this, that it will not again recur. Under various parts of this Act, and as contemplated under several Amendments, a record of the Court will exist removing all uncertainty, and enabling even the smallest tenant to define and recover his improvements. These will be recoverable under the 4th clause, and all he shall then lose will be the loss of occupation. Now, if this be so, then the one question which remains must be the value of the loss so considered. One consideration should alone determine this. What is the interest of the tenant? Now, I have held, and must hold, that it is absolutely opposed to his interest that this amount should be excessive. First, it will not be paid by the landlord, but by the tenant. It will constitute a tenant-right, and become transferable. Can an excessive amount be a benefit to the tenant? In this respect every authority is against you. Look all through the Devon Commission; see the evidence of every land agent, farmer, or priest, and you will find this plainly stated. I need not quote from this, but refer to the names of John Forsyth, Hancock Kennedy, the Rev. J. O. Sullivan, O'Hara, and French; but if I am told these are antedated, let me see what is said by modern authorities. Ask the hon. Member for Linlithgow, ask my hon. Friend the Member for South Norfolk, refer to the able pamphlets of Mr. Thompson, Mr. Campbell, and others, and you will find similar conclusions. The whole tenant interest is against you—at all events, in England and Scotland. The right hon. Gentleman shakes his head. Can he produce his witnesses? Who are they? Well, then, if against such testimony the Government are prepared to carry out this imperfect scheme unamended, I must draw this inference—that it will be a measure condemned upon all adequate authority, and that, falling below the standard of intelligent opinion in this House, it is framed to meet the unenlightened requirements of the Irish peasant.

Mr. CHICHESTER FORTESCUE said, the Amendment was substantially the same as one moved by the noble Lord the Member for Huntingdonshire (Lord Robert Montagu), and which had been disposed of on Thursday evening. The proposal was, that where the landlord had paid the claims of former tenants he should either be freed altogether, as previously proposed, or partly, as now proposed by the hon. Gentleman, from future claims under this Bill. He did not think that view would hold water; because all the circumstances would be taken into consideration by the Court when it came to make an award. He saw no reason why they should provide for the particular cases pointed out by the hon. Gentleman. The Courts would be quite able to deal with them when they arose.

Amendment, by leave, *withdrawn.*

Mr. SINCLAIR AYTOUN said, he had given Notice of an Amendment to move in Clause 3, page 4, line 21, after "holding," to leave out to end of line 25. His object was to place yearly tenants and tenants under leases upon the same footing. He did not think this clause founded either in justice or expediency, and for that reason he had voted against the Government on several important Amendments. They were not, he thought, acting towards the landlord with due regard to justice. At the time of the second reading he had no opportunity of stating his views upon the measure itself, which was retrospective. If it was considered for the advantage of the country at large that part of the land should be taken from the landowners, the proper course was to grant compensation. There could be no doubt the effect of this measure would be greatly to reduce the value of property in Ireland. The operation of the clause as it stood would be retrospective as regarded tenants of holdings from year to year, and prospective in the case of tenants holding under lease. It was extraordinary to make any difference between the two classes of tenants. He would place them on a perfect equality. He could not see why tenants who held land on an expiring lease should be obliged to give up their holdings without compensation, whereas the yearly tenant would receive five or seven years' compensation. He would leave the former in the same position as the latter. He, therefore, begged to move his Amendment.

Mr. CHICHESTER FORTESCUE said, the hon. Member (Mr. Sinclair Aytoun) had moved an Amendment which he probably deemed harmless and satisfactory; but he felt sure the Committee would not coincide with him in that opinion. He had revived, in a very formidable shape, the dogma of "levelling down," and applied it to this subject with a vengeance; for, in order that existing leaseholders in Ireland might not be in a worse position under the Bill, as compared with yearly tenants, than they were at present, he proposed to exclude all yearly tenants from the Bill. His argument seemed to be that because one small class of tenants was not affected by the Bill, therefore no existing tenants should be. Further, he urged that by imposing restrictions on the power of eviction value would be transferred from the pockets of the landlord to the tenant. This, however, could not be substantiated; because, as the tendency of the Bill was to give greater security, which, as had been tested in Ulster, brought about almost magical effects upon the productiveness of the land, both landlord and tenant would be benefited. Under these circumstances, it became his duty to resist the Amendment.

MR. JESSEL said, that the principle established by this section had not been fairly treated by many Members, especially on the other side of the House. It was described as a violent and monstrous attack upon the rights of property. Now, he wished to point out that the rights of property were divided into fundamental and incidental or separable rights. The confusion of these had led to much of the misapprehension of the nature of this section of the Bill. No legislation ought to disturb fundamental rights, and any attempt in that direction pointed to a state of anarchy and confusion; such a disturbance of fixed rights would sap the very basis of modern civilization. Separable rights were those which incidentally attached to property, through the legislation of a particular time, and such rights were continually being interfered with by Parliament. Among other instances of such interference might he mention the extension of the county franchise, which depreciated the value formerly attaching to small plots of freehold property, which, when offered for sale, were usually recommended on the ground that they conferred a county vote. The right of alienation, and therefore unrestricted right to evict was an incidental right of property. The section imposed a fine on alienation. It provided that the landlord should not capriciously evict without paying a fine. With regard to the question whether a fine on alienation was a proper subject of legislation, he might refer to Continental law to show how universal such fines were. Then as to ancient English law on this subject. The state of things after the Conquest—[" Oh, oh!"]—Hon. Gentlemen said "Oh, oh!" but they must recollect that this was a question of principle. He asserted, without fear of contradiction from any lawyer, that the right of alienation was a donation of the Legislature. It did not exist in the ancient law of England. It had been gradually conferred, and that by legislative interference. But property in land did exist without the existence of this right. In early times there was no such right at all. No man could then alienate his land, with some trifling exceptions, without the consent of the superior lord and paying a fine. [" Question!"] It was quite the question; because the proposition was to agree to a clause which contained a restriction on alienation. In the time of Charles II. these fines on alienation were abolished at the expense of the nation. He denied, however, that the operation of the clause was retrospective. If they put on the landlord a fine because he gave a notice to evict, this was future, and not past. If a landlord would capriciously, and without just cause, evict a tenant from his holding, this was a future, not a past act. The Bill had been called retrospective, but it was not really so. It simply proposed the payment by the landlord of a fine to a tenant whom he had capriciously evicted. If it were said that the tenant had entered into a contract by which he was not to receive compensation, the answer was, that the Bill was founded on the theory that the present system was not fair towards the tenant who was not in a position to contract; and it was quite clear to him that the section in question, or this portion of it, was not really an attack on the fundamental rights of property, and did not necessarily impair the value of property. But even if it did, it was not a question of taking away the property of the landlord, but only of taking away from him the right to resort to capricious evictions. The Amendment of the hon. Gentleman behind him (Mr. Sinclair Aytoun) really struck at the whole principle of the Bill, and its acceptance would be tantamount to the rejection of the measure itself.

MR. BRUEN said, he was of opinion that a law which obliged him to pay a fine of one-third the value of his land must be calculated to diminish the value of that land. Believing that this clause was an unprecedented interference with the rights of property, he should have preferred to vote in favour of negativing the clause altogether. The argument of the Chief Secretary for Ireland, that this clause was actually calculated to increase the value of property, was, to his mind, incomprehensible. The case of Ulster, in his opinion, showed that the value of land depended upon the wealth of the population and the extent of the manufactures.

SIR JOHN GRAY said, that if the Bill was to have any good effect it must deal satisfactorily with the cases of 428,000 tenancies-at-will; but this would be impossible if the Amendment now proposed were acceded to. If the Government were to yield on this point they might as well burn the Bill at once.

MR. SINCLAIR AYTOUN said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

DR. BALL said, he rose to propose in Clause 3, page 4, line 21, after sub-section 3, to insert the following sub-section (4):—

> "No tenant of a holding exclusively pastora shall be entitled to any compensation under this section; and the tenant of a holding partly agricultural and partly pastoral shall be entitled to be compensated under this section only in respect of the agricultural portion of his holding."

He had no particular anxiety that the object he had in view should be accomplished by means of these words. He had found the words in the Interpretation Clause of the Bill, where the term "pastoral," which was entirely new to the law, as, indeed, was the term "agricultural" also, occurred. But the Bill had made a distinction between "agricultural" and "pastoral" in the Interpretation Clause; and, as he was of opinion that the language of the Bill ought, if possible, to be adopted, otherwise it might be said the object in view was different, he had made use of the words. Every Irish Member understood what he meant by his Amendment, and the majority of them were in favour of it. His object was, that compensation for disturbance should not be given to those great holders of grass farms, whose business partook more of the nature of mercantile speculation than of farming. Some of these persons paid £1,000 a year or more, and were immeasurably richer than the landlords from whom they took the lands. His hon. Friend the Member for Ennis (Mr. Stacpoole) had an Amendment exactly similar, though expressed in different words, to be moved in line 25. There were in his hon. Friend's Amendment qualifications about residence; but what he (Dr. Ball) meant was large grazing farms. He should be quite content that the Government should undertake to word the Amendment; but he most earnestly pressed on the Committee the propriety of passing some provision of the kind. Nothing was more absurd than that large graziers, who made no improvement whatever in the land, should be entitled to compensation. It would really amount to an oppression of the landlord. He begged to move the Amendment.

MR. STACPOOLE said, he agreed in every word that had fallen from his right hon. Friend (Dr. Ball). It was a monstrous thing that landlords should be asked to give compensation for disturbance on great grazing farms which the tenants from year to year could not possibly improve. In his county there were what were called winterage farms. The soil was rocky; but the farms were most valuable for the pasturage of cattle in winter. He would be quite ready to leave the matter in the hands of the Government.

MR. CHICHESTER FORTESCUE said, that the Government had already informed the Committee that they were ready to make the Amendment in question, and he would repeat the pledge now, only he would prefer to do it in another way, and to bring up carefully considered words, probably in the Exemption Clause.

MR. M'CARTHY DOWNING said, he approved the object in view, but urged that there should be a limit with regard to the farms to which the Amendment was to apply.

Amendment, by leave, *withdrawn.*

MR. CHICHESTER FORTESCUE said, the Government were not desirous of carrying the effect of this clause beyond the point they thought absolutely necessary; and they believed they were meeting the requirements of the case, and the opinions of many Gentlemen of great weight in the House, by proposing words, the effect of which would be to limit the application of the clause to tenants below the line of £100 value. Holdings above that value were occupied by farmers so independent that they were able to take care of themselves, so that it was not necessary to make the clause retrospective as far as those tenants were concerned. They would, however, enjoy the protection given under Clause 4. He begged to move in page 4, line 22, after "holding," to insert—

> "Valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of not more than £100, and."

MR. CHARLEY said, he could not but admire the ingenuity with which the right hon. Gentleman had appropriated the Amendment that he (Mr. Charley) had placed on the Paper before Easter, and he only regretted that the Government had changed his figure of £50 to £100. As he could not move his Amendment as a substantive Motion, he would move it as an Amendment to the Amendment of the right hon. Gentleman. An extraordinary right was conferred by this clause upon the Irish tenant—a right which no English or Scotch tenant enjoyed, or was ever likely to enjoy. The tenant, in effect, was to put nothing into the soil, and yet he was to take something out of it—a singular reversal of the old maxim—*Ex nihilo nihil fit.* Compensation for improvements stood upon an entirely different footing—the tenant put something into the land and took something out of it. The hon. Member for Dover (Mr. Jessel) had said that a landlord's right to the exclusive possession of his land was one of the fundamental rights of property; but could a landlord be said to have an exclusive right to the possession of his land when a tenant could hold it rent free for seven years? The hon. Member had compared compensation for loss of occupancy to fines on alienation; but they were paid by the tenant to the landlord, while this was paid by the landlord to the tenant. He contended that there was no reason why the clause should not draw the line at £50 for existing tenancies. In future tenancies the landlords could protect themselves. There was the more reason for the adoption of the figures £50, seeing that the right hon. Gentleman opposite had given Notice on the 10th clause —which excepted tenants of a holding of not less than £100 annual value from the power to claim compensation if they had contracted with their landlord not to make any such claim—to leave out £100 and insert £50. If the limit was to be drawn at £50 in the one case he could see no reason why it should be fixed at £100 in the other; and he therefore moved, in the proposed Amendment, to leave out "£100," and insert "£50."

Mr. M'CARTHY DOWNING said, he regretted very much the Amendment which the right hon. Gentleman (Mr. Chichester Fortescue) had just moved. He failed to see the necessity for, or the justice of, an arrangement by which future tenants would be entitled to compensation for eviction, although their holdings were above £100 annual value, whereas present tenants of the same class were not to be entitled to it.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, the hon. and learned Member for Salford (Mr. Charley) had done his right hon. Friend the Chief Secretary for Ireland some injustice in supposing that he had been under any obligation to the hon. Gentleman for the words of his Amendment. The fact was, that so far had his right hon. Friend been from any servile copying of the hon. Member's Amendment, that he had gone to the 10th clause, from which the hon. Member had also copied the words of his Amendment. With regard to the substantial question involved in the Amendment, he trusted the Government would be supported in their proposal. As his right hon. Friend had explained, they were convinced that persons with holdings valued at £100—which was equivalent to a rent of £120 or £130—not only were well able to look after their own interests, but often were really more independent than the landlords themselves. Such persons would, therefore, be wisely excluded from the retrospective operation of the clause. It would be a different thing, however, to draw the limit at £50, because that would exclude a large number of tenants who had every right to enjoy the benefit of the clause. With regard to the proposed limitation, in the cases in which freedom of contract was involved, the Amendment of which his right hon. Friend had given Notice on the 10th clause, substituting £50 for £100, rested upon a wholly different basis.

Mr. SYNAN said, that while objecting to both of the Amendments, he should feel obliged to support, as the lesser evil, that of the Government. Both were, in his opinion, unjust; but the Amendment of the hon. Member for Salford (Mr. Charley) would exclude from the operation of the clause about 80,000 of the Irish tenants, whereas that of the Government would not exclude more than 30,000. He entirely failed to understand why a tenant whose holding was of £100 annual value should be deprived of his right to compensation; nor could he admit that tenants of that description were always able sufficiently to protect themselves from the wrong and injustice consequent upon improper eviction. In some instances, indeed, the injustice in such cases was even greater than in others.

Amendment (*Mr. Charley*) *negatived.*

Amendment (*Mr. C. Fortescue*) *agreed to.*

Mr. PIM said, he had to propose an Amendment of which he had given Notice—namely, in page 4, line 23, to leave out, "at the time of the passing of this Act," and insert "at any time between the first day of January one thousand eight hundred and seventy and the passing of this Act." The object he had in view was to meet the case of those tenants who might be evicted from their holdings in anticipation of the passing of this Bill. There was a provision in the 15th section of the Irish Church Act of last Session, securing compensation to curates employed at any time after the 1st of January, 1869, and he wished to see that precedent followed in the present Bill as regarded agricultural tenants in Ireland. In the county of Mayo and in other parts of the country some landlords had provoked resentment and disturbance by serving their tenants with notices to quit and turning them out of their holdings, and this was done in order to deprive these tenants of the benefits of the present legislation. He thought it the duty of the House to see that those persons who had thus produced so much bad feeling should not be allowed to benefit by the wrongs they had inflicted. The hon. Member then moved the Amendment.

Mr. MAGUIRE said, he should support the Amendment. He had listened with great pleasure to the speech made by the noble Marquess (the Marquess of Hartington) that evening. It was a complete answer to the wild fears entertained by the landlords who had not what would amount to a tenth part of his territorial possessions. The noble Marquess had raised a laugh in some quarters by saying that after the passing of this Bill things would remain precisely as they were now. He understood the noble Lord's meaning, which was that the Bill would not interfere with the good landlord. There were many good landlords in Ireland, and landlords of that character could do more for their tenants than could be effected by any legislation. He rose to corroborate what had been said by his hon. Friend the Member for Dublin (Mr. Pim). He himself had seen a notice to quit which had been served on a solvent tenant who had paid his rent for the last half-year. Some short time ago it was stated that a certain landlord had served notices to quit on his tenants. That allegation was denied point-blank by the gentleman's law agent; but he had seen a letter in which the same landlord was reported to have said—"Thank God, we still have the power to evict!"

Sir JOHN GRAY said, they had all seen a circular which had been issued by Mr. D'Arcy Irvine, a gentleman holding property in the North of Ireland. He had served notice on every one of his tenants, and lately all his tenants had been assembled together, with the view, he supposed, of an arrangement being made which would relieve the landlord from any liabilities which this Bill imposed. It was said that Mr. D'Arcy Irvine was an eccentric man; but a landlord in the county of Roscommon who was not eccentric, and who, though not in the House of Commons, stood high in the Liberal party, had served a notice which he thus explained in a letter accompanying it—"I am necessitated, by a clause introduced in the Land Bill, to send you the notice you will receive." He had seen two of those letters.

Mr. W. H. GREGORY said, the apprehensions of his hon. Friend the Member for Dublin (Mr. Pim) and his hon. Friend the Member for Kilkenny (Sir John Gray) were not justified. It was clear that the notices to which they referred would not come into operation before the passing of this Bill.

Captain ARCHDALL said, it was perfectly true Mr. D'Arcy Irvine did not always act in the wisest manner; but he had spent as much as any man in that House in improving his estate. Certainly, when the Bill was brought in, he served notice on his tenants; but he felt quite satisfied that Mr. Irvine had not the least intention of disturbing any of them. The meeting referred to by the hon. Member for Kilkenny (Sir John Gray) was a voluntary one, got up by the tenants for the purpose of expressing their confidence in their landlord. [*Laughter.*] Some of the hon. Gentlemen who laughed had not as much land as would sod a lark; but Mr. Irvine's tenants had every confidence in him. It was not likely they would have met to enter into an agreement detrimental to themselves. As regarded the Amendment, he did not think it necessary to say anything about it, because he presumed the Government would not accede to it.

Mr. M'CARTHY DOWNING said, he hoped the Government would accede to the Amendment. Tenancies in respect to which notices had been served last September expired in March, and many others expired on the 1st of May, even though the tenants might still be in occupation. He ventured to say there were at least 100 of such cases, and if the Amendment were not adopted, not one of them would come within the provisions of the Bill. If the Amendment were not adopted the Bill would protect the bad landlord who was determined to get possession of his property, but not the good landlord who patiently awaited the consequences of legislation.

Mr. BRUEN said, he would remind the House that all these statements were *ex parte*. He was opposed to the Amendment, though he had no interest in it one way or the other; for during the last three or four years he had only served notice to quit on one tenant, and the man said, Pay me my improvements, and I will give up the land to-morrow. He (Mr. Bruen) paid him his improvements, and the man gave up the land. An official Report stated that notices to quit had been served for seven reasons, one of which was the anticipation of legislation; and he said that the Government ought to reserve their decision until that assertion had been substantiated.

Mr. CHICHESTER FORTESCUE said, the Government were not able to agree to the Amendment; but they did not endorse the views of the hon. Member for Fermanagh (Captain Archdall). Recent occurrences in Ireland rendered it natural that an effort should be made to protect tenants from improper attempts which appeared to have been made on the part of a small number of landlords to deprive their tenants of the benefits of the legislation upon which Parliament was engaged; but, at present, the information upon the subject was very imperfect; and if such a provision as this were introduced it should be done with due deliberation and a perfect knowledge of the facts of the case, and only upon grounds which would be sufficient to justify it. For these reasons he would ask the hon. Member (Mr. Pim) to withdraw the Amendment, and leave it to the Government to consider whether it was necessary to introduce such a provision. He thought the danger apprehended was not so great as at first sight it appeared to be, because it did not arise from notices to quit given last September, with which the Committee could not attempt to deal, and which, if they existed at all, must be few in number; but the danger apprehended arose from notices given in March, with the view of escaping the provisions of this Bill; and as they could not expire before next September, when the Bill would be passed, if it passed at all, the notices would have no effect, and would make no difference whatever to the existing tenancies with which the Committee had to deal. That removed the greater part of the danger apprehended, and it reduced the question before the Committee to one of very narrow limits. If it should be necessary hereafter to consider the point that was raised, the Government would be prepared to consider it; but he did not think the danger was one of any magnitude.

Amendment *negatived.*

Sir JOHN GRAY said, the clause made no provision for the tenant who might have a middleman between himself and the superior landlord. He would therefore move, in page 4, line 24, after "landlord," to insert "or of any person claiming by superior title."

Mr. CHICHESTER FORTESCUE said, he did not at all deny that the Amendment raised a question of importance and difficulty, which had engaged the attention of the Government in framing the Bill. They had to consider whether it was possible to apply the provisions of the Bill to the cases of existing leaseholders, and they came to the conclusion that it was not. It was possible that cases of hardship such as had occurred before now might occur again, in spite of the provisions of the Bill, although he hoped they would not; but the Government came to the conclusion that it would not be wise to interfere with existing leases in this respect, by imposing upon the superior landlord an obligation as against the sub-tenant, with whom he had now no relation whatever, and who had been placed upon the land without his consent. The Government came to the conclusion that it would not be right to give the sub-tenant a claim in this case as against the superior landlord. The Amendment might have been moved in another form by proposing to omit from the clause the word "immediate." The Government had come to the conclusion that, as a sub-tenant would have a claim against his immediate landlord, and as such sub-tenant was placed upon the land without the privity or consent of the superior landlord, it would be going too far to recognize a claim against the latter, the presence of the tenant upon the land being often, in the cases supposed, not for his interest, but contrary to his wishes and intentions. In such a measure it was impossible to guard against all cases of hardship that might possibly arise, and the Government had felt that they could not apply the provisions of this Bill to such cases as had been referred to by the hon. Member (Sir John Gray).

Lord ELCHO said, it amused him to hear the Chief Secretary for Ireland apologizing for the Government not having included in their Bill a clause giving compensation in cases in which a landlord had let his property to one tenant who, without his consent, handed it over to some one else, such subletting having been, according to the Chief Secretary's own admission, very injurious to the property.

Amendment *negatived.*

Mr. M'CARTHY DOWNING said, he had consented to move an Amendment, at the instance of two or three landlords, who were of opinion that it was absolutely necessary for them to have the power of contracting themselves out of the operation of the Bill. The Bill enacted that—

"Any contract made by a tenant by virtue of which he is deprived of his right to make any claim, which he would otherwise be entitled to make under this section, shall, so far as relates to such claim, be void."

He proposed to add the words—

"Save where the contract for such tenancy shall be for the term of thirty-three years or upwards, in which case the tenant may enter into a contract under lease, and deprive himself of all his rights under the Bill."

That was the proposition of many landlords and agents, and he believed it would be accepted by the tenants. He did not wish to press this Amendment, but simply to put it before the House.

Mr. DISRAELI said, he had given Notice of an Amendment which would limit to contracts, made before the passing of the Act the enactment that any contract made by a tenant, by virtue of which he would be deprived of his rights to make any claim which he would otherwise be entitled to make under this section, should, so far as it related to such a claim, be void. But since then many modifications had been effected in the Bill, which had mitigated many of its features, though he must candidly say they did not remove his objections to the policy of the Government. It would be right and wise on the part of the Committee to express an opinion on the general question; but taking into consideration the Division which had been taken that night, and had indirectly dealt with the subject of his Amendment, he should not, on the present occasion, take the opinion of the Committee on the point, but would reserve to himself the right to do so at a more favourable opportunity.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 4, line 29, after "void," to insert—

"This provision shall remain in force for twenty years, from the first day of January one thousand eight hundred and seventy-one, and thereafter until Parliament shall otherwise determine."—(*Mr. Chichester Fortescue.*)

Amendment *agreed to.*

Sir JOHN GRAY said, he rose to move a proviso to the effect that land not subject to the Ulster, or to any other usage, might be registered, and thereby placed under the provisions of a permissive Parliamentary tenant-right. Where the landlord and tenant of such land could not agree as to the rent of the land, the Court might determine the proper rent at intervals of 14 years. The tenant of such land might assign his entire interest, but not sublet or subdivide his holding. Such tenant, if about to be evicted, might sell his interest in the holding. Any successor in title of the landlord might purchase it. His Amendment would, he held, give the landlords, under certain conditions, the right to make free contracts with their tenants. The Bill as it stood prevented landlords from so doing; but many landlords were anxious to enter into free contracts with their tenants on proper terms. The Government, however, in giving power to contract, thought there should be some provision to prevent hardship or oppression. The Amendment which stood in his name was in accordance with many of the provisions of the Bill which had already been passed, and which permitted alternative arrangements. He objected to the Bill as it was framed; but as a large majority of hon. Members had decided that the Bill must be adopted in its present form, he was anxious that any proposition which he brought forward should be in perfect conformity with the existing provisions of the Bill. The Government properly said that if the tenants were left free to contract themselves out of the Bill, all a landlord would have to do would be to make a frightful example of one of his tenants, and then the others would be obliged to accept any terms he liked to impose. As a body, Irish landlords were kind and generous; the fault lay not with them, but with the law which encouraged a bad and oppressive landlord to take advantage of it. The proposition he was now making did not emanate from an individual Member; it was the result of a joint consultation of landlords and tenants, and was attested by a document, now in the hands of the Government, and signed by 35 Irish Members, who, excluding Ulster, represented 17 of the other counties. They felt that under the Bill constant irritation, litigation, ill-will, and all uncharitableness might result; and they wished that landlords and tenants should be permitted to enter into private arrangements under the clauses he proposed, and so to bring the two classes into perfect harmony. They contended that the landlord had a right to expect from his tenant a fair rent for his land, and to require that the tenant should not be bound to divide, to sublet, or to waste the land; but so long as the tenant paid his rent and abstained from these things, they thought that he ought not to be evictable by law. They asked also that there should be some simple and inexpensive Court to act as arbitrator between them in case of any dispute arising, or their being unable to come to a mutual agreement as to terms. He knew it might be contended by right hon. Gentlemen on the Treasury Bench that his proposal, if carried, would amount to giving continuancy of occupancy; but his answer was that, practically, no less than 361,158 out of 652,000 and odd holdings in Ireland were to have security of tenure given them by the provisions of the Bill as it stood. The fact, too, that so many persons representing property had signed the Memorial to which he had called the attention of the Committee, asking the House to make the arrangement which he was advocating, was a sufficient answer to the argument that it would interfere with the rights of property. It was not sought in any way to interfere with those rights. All that was required was, that the tenant should be permitted to live on in peace, and providing he was an improving tenant, and did not allow his holding to fall into a state of dilapidation, that he should be allowed to sell his interest in his farm without taking anything out of the pocket of the landlord. What evidence was there that this Bill had been accepted by the people of Ireland. ["Divide!"] He hoped hon. Gentlemen would take time to consult those Reports, and would also consider how many Petitions had been presented to Parliament in favour of the Bill as it now stood. ["Divide!"] He did not think that the question could be properly discussed on that occasion, and would therefore move that the Chairman should report Progress.

Mr. W. H. GREGORY said, that this proposition was of extreme importance, and had been approved by a large number of Irish Members. He had received many letters from Ireland asking him to support it; but it would be impossible to discuss it properly on the present occasion, as it was arranged that other business should be taken at a certain hour. Under these circumstances, he would recommend his hon. Friend (Sir John Gray) to embody his proposal in a separate clause, and bring it forward on some future day, when it might be discussed in all its details.

Lord ELCHO said, that the hon. Gentleman (Sir John Gray), after saying that the Bill had not been accepted in Ireland, had spoken of Reports and Petitions which had been presented to the House. Interruptions occurred at this part of the hon. Gentleman's speech; but he thought that a Member of such weight and authority in Ireland ought to be allowed to go on and show why the Bill had not been accepted.

MR. GLADSTONE said, it had been arranged that this should be a short discussion; but he saw no reason why it should be still further shortened. He suggested that his hon. Friend the Member for Kilkenny (Sir John Gray) should finish his argument. ["No, no!"]

MR. BAGWELL said, he would call attention to the fact that 35 Irish Members were in favour of the proposal, which was of great importance. He thought that, in justice to the hon. Member for Kilkenny (Sir John Gray), to the subject, and to the Government, the discussion ought to be postponed.

SIR JOHN GRAY said, he would adopt the suggestion which had been made to him, and finish that part of his argument which related to Petitions. There had been only one solitary Petition presented in favour of the Bill, and that Petition was signed by one individual. This discussion was so important, and so many hon. Gentlemen desired to take part in it, that he must press his Motion to report Progress.

MR. BRUEN said, he wished to hear on what grounds the hon. Member claimed the support of the landlords of Ireland, and he hoped that when the debate was continued great attention would be given to this question.

House *resumed.*

Committee report Progress; to sit again upon *Thursday.*

CONVENTUAL AND MONASTIC INSTITUTIONS.—MOTION FOR NOMINATION OF SELECT COMMITTEE.

ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [8th April], "That the Select Committee on Conventual and Monastic Institutions be nominated by the Committee of Selection:"—(*Mr. Newdegate:*) —And which Amendment was,

To leave out from the words "That the" to the end of the Question, in order to add the words "Order for the appointment of the Select Committee on Conventual and Monastic Institutions be discharged,"—(*Mr. Cogan,*)

—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

Lord Elcho

MR. NEWDEGATE rose to address the House, but was met with cries of "Order" and "Chair," whereupon

MR. SPEAKER said, that as the hon. Member had already spoken in the debate, he could not again address the House without its permission.

MR. NEWDEGATE said, that he was perfectly aware that he had to ask for the indulgence of the House while he endeavoured to comply with the wish, expressed by the First Lord of the Treasury on Friday last, that he should state his view of the scope of the inquiry ordered by the House on the 29th of March. The Order was for the appointment of a Select Committee to inquire into certain matters connected with Conventual and Monastic Institutions. He felt sure the House would believe him when he said that he did not presume to explain what the House or even the majority understood to be the purport of their vote, but merely his own understanding of the Order of the House, as draftsman of that Order; and that except in compliance with a request of the kind he had described, he should not have intruded himself on the House. The Order adopted by the House was in the following terms:—

"That a Select Committee be appointed to inquire into the existence, character, and increase of Conventual and Monastic Institutions or Societies in Great Britain, and into the terms, upon which income, property, and estates belonging to such Institutions or Societies, or to the members thereof, are respectively received, held, or possessed."

It was quite true that he made the Motion for the adoption of the Order, and then, to the best of his poor ability, he urged arguments in support of that Motion. He should not, however, now venture to adduce any argument. All he had to do was to explain, as the draftsman of this Instruction, what he understood to be its purport. He did not think he could better comply with the wish, which he understood the House to have expressed, than by reading part of a letter which he addressed to a right hon. Member on the 30th of March, immediately after the Motion of the 29th. First, however, he would remark that, although the Motion was only carried by a majority of 2 in a House of 260 Members, yet the question had been virtually tested subsequently by Divisions on the adjournments of the debate on the Motion to give effect to the Resolution—first, by a majority of 24, and next by a majority of 45. He concluded, therefore, that the Order of the 29th of March had, when considered calmly, commended itself to the approbation of the House. The letter he referred to contained the following paragraphs:—

> "You requested me to state in writing my understanding of the purport of the Resolution yesterday adopted by the House of Commons, which I to-day endeavoured verbally to convey to you. I understand that the Resolution of yesterday directs an inquiry by a Select Committee, limited considerably within the sphere of the inquiry conducted by the Select Committee on the Law of Mortmain, appointed in 1851, so far as Roman Catholic charitable property is concerned; inasmuch as the inquiry, yesterday directed, will touch the property, whether real or personal, which is held in trust or otherwise, for the benefit or maintenance of monastic or conventual institutions only, excluding all the property which is held for the maintenance of Roman Catholic chapels, residences for individual or secular priests, and schools, not connected with the monastic or conventual orders of the Church of Rome; the tenure of all which property, as well as that for the maintenance of conventual, if not of monastic institutions, was considered by the Committee of 1851, and was intended to be regulated by the Roman Catholic Act of 1860. The information, the obtaining of which was, I understand, yesterday directed, would in other respects extend to subjects not contemplated by the appointment of the above-mentioned Committee, or by the passing of the above-mentioned statute, inasmuch as the inquiry necessary for obtaining this further information must extend to an investigation of the nature of the income, whether the produce of real or personal property, or derived from other sources, by which monastic and conventual institutions in Great Britain are maintained, and must further seek the practical identification of these institutions by inquiring into the discipline for their external and internal regulation, by which alone the particular character of such institutions can be ascertained; while the sites, general character, and the increase of these institutions must also form part of the subject-matter of the inquiry."

He went into some further matters in the letter, showing it was likely there would be a general feeling throughout the country in favour of an inquiry being made—a presumption which events had justified. There had been great misunderstanding, as to the scope of this inquiry, founded upon the necessity of ascertaining the discipline, in order to test the character of monastic institutions. *The Roman Catholic Directory* showed that conventual establishments had adopted a great variety of designations, and varied in their character in the most extraordinary degree. In some cases the nuns left the convent for purposes of charity, and to a certain extent mixed with the world; in this way they might derive means for their sustenance; but the case of the cloistered nuns was different, as had been exhibited by a recent case of escape from a convent in Warwickshire. ["Question!"] That unfortunate lady was now safe under the care of the magistrates for the county, and was under the control of the Lunacy Commissioners; her case showed that there were two classes of nuns in the convent at Baddesley Clinton, and that she was not one of those nuns that visited the poor, but one of that class termed the inner circle. Thus evidence had come to light, during the discussion of the subject, supporting the fact that while some nuns visited the world others were never permitted to do so, but, although in the same institution with the others, were cloistered. ["Order!"] He was mentioning this case to show that discipline formed an important part of the question, and he would take one other instance. ["Question!" *and* "Order!"] He desired to do so simply to show the necessity for ascertaining the true and real character of the monastic orders, and he would mention two instances which would also help to explain the scope of the inquiry resolved on. It was well known that at Mount St. Bernard, in Leicestershire, there was an Order of Trappist Monks, who, it is believed, were bound by regular vows, who formed part of a regular Order of the Church of Rome, and seldom left the precincts of their monastery. The fact of the existence of this Order must be known to the House, for these monks had been entrusted with the education of a reformatory school for boys, and payment had been made to them out of the public funds. The case of the Oratorians was of a different character. ["Question!"] They had appealed to the Courts of Law in the case of "Smee *v.* Knox and others," and succeeded in their suit on the ground that they were not bound by monastic vows, and had not community of goods. There was a distinct difference between these two cases: one had sought the protection of the law, the other had obtained money from the State; and he mentioned this to show it was necessary, if anything was to be known of these institutions and the manner in which property belonging to them was held and disposed of, inquiry must be made into the discipline which characterized these institutions respectively. For that reason he had introduced the word "character," which of course to a certain extent included the discipline, which was distinctive of the character of such institutions. A notion had got abroad among the Roman Catholics—which was especially apparent in a Petition from Dublin, that the House had ordered an immediate personal inspection of each person in every convent and monastery in the kingdom. The Order did not authorize the Committee to make any such inspection at all. He was anxious to remove this misapprehension, in which he had reason to apprehend that the hon. Member for Kilkenny anticipated. At a meeting of the Corporation of Dublin, held on the 7th of April, at which the Petition, which had been laid before the House, had been adopted, that hon. Member had made a speech to which he wished to draw attention.

Mr. OSBORNE rose to Order. The hon. Member for North Warwickshire (Mr. Newdegate) had already made three speeches upon this subject, and it was only by the indulgence of the House that he was allowed again to address them, in order to give an explanation of his presumed views upon the subject. Instead of doing so, however, he was entering into a debate as to what had been said in another place. He put it to Mr. Speaker whether the hon. Member was in order in the course he was pursuing.

Mr. SPEAKER said, the hon. Member for Waterford (Mr. Osborne) had rightly stated that the hon. Member for North Warwickshire was addressing the House merely by their indulgence. The hon. Member for North Warwickshire would doubtless see, under these circumstances, the propriety of confining himself to giving the necessary explanation to the House of the course he intended to pursue, if the House were willing to hear him upon the subject.

Mr. NEWDEGATE was very sorry to trespass upon the House for one moment longer than was absolutely necessary; but, since he had been asked to explain what he understood was the scope of the inquiry to be undertaken by the Committee — in order to explain what he understood to be within the scope of the inquiry, he must be permitted to state his understanding of what had been suggested as within the scope, but was not. Now, that which he did not understand to come within the scope of that inquiry was contained in the Petition which had lately been presented to the House from the Corporation of Dublin. He believed that the hon. Member for Kilkenny was in his place, and at the meeting to which he had already referred that hon. Member had used these words. ["Question!"]

Mr. OSBORNE again rose to Order. He would beg to move that the hon. Member should not be indulged.

Mr. SPEAKER: I must repeat that the hon. Member is addressing the House by its indulgence, and it is for the House to decide whether or not he is exceeding the limits of the privilege that has been accorded him.

Mr. OSBORNE: I move it. I put it to the House that the hon. Member be no longer indulged.

Mr. NEWDEGATE remarked that the hon. Member for Waterford had given him (Mr. Newdegate) an advantage he did not expect by making a new Motion, upon which he was now entitled to address the House. He should not, however, intrude one additional word upon the House in consequence of the advantage that the hon. Member had given him by making the Motion. The Friends of the hon. Member for Kilkenny did not appear to wish that the House should know what he had described their intended action to be. ["Question!"] The hon. Member, on the occasion to which he referred, said—

> "I will have much pleasure in presenting the Petition, and I will also have much pleasure in bearing my part in the using of every form and any form of the House, no matter at what cost, at what labour, at what time, to defeat the most unjustifiable proceeding against which you have this day protested. I think I may say, too, that there are some other men who will co-operate in the work, and who will say with me this infamy shall not be."

He believed that the expression of opinion on the part of the Corporation of Dublin, and of the hon. Member for Kilkenny, arose from a total misapprehension of the scope of the inquiry ordered by the House; but, at the same time, he must advert to the fact that the House, after deliberate and repeated Divisions upon this subject, was threatened that a use would be made of its own forms to defeat its object, and that this threat was made by an Irish Member in reference to an inquiry affecting the whole of Britain, but not extended to Ireland. In connection with this extraordinary misapprehension and proceeding, he might further remind the House that a breach of its privileges had been committed by the manner in which he had been libelled. Without further trespassing upon the House, he would express a hope that he had furnished the explanation which the right hon. Gentleman the Prime Minister had desired from him with reference to what he understood to be the scope of the proposed inquiry. The hon. Members forming the majority, with whom he had communicated on this subject, appeared to concur with him that the inquiry directed by the House would be limited to the objects which he had endeavoured to describe.

MR. WINTERBOTHAM said, he trusted that the House would not grudge him a few moments while he made a few observatinos on the question before them, more especially as the hon. Member for North Warwickshire (Mr. Newdegate) had already spoken three times upon it. He felt assured that the House would enter upon and continue this debate with a sense of great responsibility, on the ground that it concerned deeply the feelings and interests of a large number of their fellow-subjects, the Catholics of England and Wales, who were absolutely without representation in that House. [" No, No!"] He believed he was right in saying that there was only one Catholic Member returned for England and Wales. ["No, no!"] He repeated, and he challenged contradiction upon the point, that the hon. Member for the Isle of Wight (Sir John Simeon) was the only Catholic Member representing a constituency in England or Wales in that House. ["No, no!" *and* "Roman Catholic Member."] Well, he was not going to quarrel about a word—let it be Roman Catholic Member. The hon. Member for the Isle of Wight being absent from ill-health, he was right when he stated that the Roman Catholics of England and Wales were without representation in that House. Moreover the strong Protestant feeling which, he rejoiced to say, was so widely diffused throughout this country, was apt to lead the House into acting hastily, and doing that which they would afterwards in their calmer moments regret. Neither did he think that the hon. Member the Mover of this Motion had acted in a manner quite worthy of his own high character in complaining of the tone in which some Englishwomen had expressed their opinions of the conduct of that House in this matter; because it must be recollected that their feelings were strongly excited, and that pending the measure of the hon. Member for Manchester (Mr. Jacob Bright), strong language was the only constitutional method which women possessed of expressing their opinions upon political questions in which they were interested. But, if they were to approach the inquiry in that spirit, he did not see that any solid good could come from it; and no one could deny that it would excite, as the Motion had already excited, much irritation, much unkindly, uncharitable, and un-Christian feeling. The proposed inquiry had two aspects, one referring to the property and the other to the character of these institutions. He admitted that property, whether public or private, was a legitimate subject for inquiry by Parliament, and especially property of a public or *quasi* public character. He had heard with pleasure that one of the motives of the hon. Gentleman in moving for an inquiry—though it seemed strange for such a reason to be assigned by a Warwickshire squire—was, because the dedication of property to these institutions would withdraw it from the market. That would furnish an argument against the iniquities of the law of entail. If the hon. Member had directed his inquiry to corporate or *quasi* corporate property generally, that would have been a legitimate subject of inquiry, and he would have gone with the hon. Member in preventing absolutely the acquisition by corporate institutions of land not required for their own occupation; but when the hon. Member spoke of Roman Catholic charities, he seemed to intimate that there was something exceptional in the manner in which the law dealt with them. That was an entire delusion. There was no difference between them and other charities, for they were all subject to the Law Courts, and to the jurisdiction of the Charity Commissioners. ["No, no!"] He was glad to have elicited those expressions in the negative, because they showed the misapprehension on which the House had acted, and the misapprehension arose from the fact that when, in 1852, the jurisdiction of the Charity Commissioners was placed on a new basis, Roman Catholic charities were temporarily exempted from it. There were mixed up with Roman Catholic charities certain uses, which were considered by the law as superstitious, and there was at that time in contemplation an Act authorizing the Courts to divert the property from such superstitious uses and apply it to legitimate charitable purposes. Pending the introduction of that Act the Roman Catholic charities were exempted from the law of 1853 from year to year, but in 1860 such an Act was passed, and from that moment the Roman Catholic charities were placed in the same position as other charities, not only as regarded the Courts of Law, to which, of course, they were always subject, but as regarded the jurisdiction of the Charity Commissioners. He should not have adverted to this point had not the hon. Member in his opening speech dwelt on it; for, in fact, convents and monasteries were not charities, and did not come under the jurisdiction of the Charity Commissioners, and, therefore, the reference made by the hon. Member to Roman Catholic charities had nothing to do with the question. A convent or monastery was, with respect to its property, in precisely the same position as a Pall-mall club. It was a voluntary association of certain persons for certain definite purposes. It was not a corporation. The property was held by a few members as trustees, and the members could at any time sell it and divide the money. These rights of property were the creatures of the English law, recognized in the English Courts like other rights of property, and in no case were they subject, as the hon. Member said, not to the English Courts, but to what the hon. Member called the Court of Rome. There was nothing obscure or abnormal in the mode in which property was held by these institutions. He would not say how far property of the kind should be allowed to accumulate, because he looked with great jealousy on the accumulation of property by these artificial entities such as corporations or associations, and its withdrawal from its natural use, which was its enjoyment and disposition by individuals. The matter could be ascertained at any time; but if any inquiry were undertaken it should be with a view to a remedy. He supposed that the hon. Member had some idea of a remedy, and he should be glad to hear what it was. It might be disendowment, or what might be called confiscation; but if so, it was rather extraordinary that such a proposition should come from the Conservative Benches. He would now pass from that subject, because it could not be denied that the object in view was not inquiry into the property, but into the nature of the institutions themselves, and all the talk about the mode in which the property was held merely veiled the real character of the inquiry. The hon. Member for North Warwickshire, however, repudiated the suggestion of the hon. Member for Dungarvan (Mr. Matthews) that the purpose of his inquiry was speculative curiosity. In fact, they all knew what was the nature of these institutions. They were voluntary associations of men or women, who thought that by devoting themselves to works of charity and to religious exercises they might attain the perfect life. That might not be their—hon. Members'—idea, nor was it his; but was it so unreasonable, so inconsistent with the common interests of society that they were prepared to stop it by law? He supposed no Member would get up and say so. Apart from coercion, physical or moral, was the House prepared to say that it should be unlawful for men or for women thus to live together? They must remember that the men neither enjoyed nor claimed exemption from the ordinary duties of citizenship; and as to the women, what should he say? Why, they were not more frivolous or more unwise than those who lived outside a convent's walls. But then it was said that coercion was brought to bear upon the inmates, either on their entrance or during their continuance in those houses. If that was true, if there was physical coercion, if any man or woman could be restrained otherwise than by sentence of law either in a convent or anywhere else, then he would admit there was a necessity not for inquiry, but for immediate and stringent legislation, because the rights of personal liberty laid down in Magna Charta and protected by the Habeas Corpus Act would be a dead letter. But he would put it to any reasonable man—and he hoped they were all reasonable men—was it possible—did anyone believe, that such coercion did exist? [An hon. MEMBER: No doubt of it.] They had heard of dungeons deep and dark under the floors of convents—they had heard of 15 cwt. of iron railing at windows to prevent the escape of nuns. These charges, mingled with others intemperate and foul, might be disregarded when brought by irresponsible persons out-of-doors. But when they were brought up by men of responsible position and high character, like the hon. Member for North Warwickshire, the House had a right, and was bound to ask, were these things true, and could the hon. Gentleman prove them? These charges had been made the basis of this Motion for an inquiry; they had a right to ask for some case proved before they entered upon it. The hon. Gentleman would say—Grant me a Committee, and I will prove my case; but if he had cases he could prove before the Committee he was bound now to put his finger on the name of some institution and tell them what cases demanded investigation. He did not think he would be suspected of any leaning towards Roman Catholicism. He had no love for priestly power. He would not yield to the hon. Member for Warwickshire in attachment to Protestantism, and Protestantism more extreme than he (Mr. Newdegate) professed. But he was not prepared, under the influence of such convictions, unless a clear case were shown, to charge all the Roman Catholics of England, our own countrymen and countrywomen, with that, the wickedness of which was only exceeded by its extreme folly—physical coercion, in violation of the first rights and liberties of their fellow-subjects. He felt persuaded that the majority of those who had voted for this Motion did not believe that cases of physical coercion existed. He (Mr. Winterbotham) did not believe it. The hon. Member was challenged to prove his charges; and he had already used to the fullest extent—too fully—his right to protection under the privileges of the House in refusing to give any proof in answer to those who denied his charges. The nearest relations of the accused were as much entitled to credence as the hon. Member himself. He (Mr. Winterbotham) really believed the hon. Member could not give the proof demanded. Let him prove one case, and then they would have some reason to believe that he could prove the rest. So much for cases of physical coercion, of which he believed there were none; but then it was said, there was moral coercion. Roman Catholics told them, indeed, that great care and deliberation were used before anyone was admitted to these vows, and that persons might be released from them with greater facility than in former times if they chose to return to society. But he granted there was moral coercion. These people were told by persons they believed that if they broke those vows they would endure terrible consequences hereafter. Did he love such a system? He abhorred all priesthoods from the bottom of his soul. He could not put it more strongly; but the question was, how would they meet this moral coercion? He called to mind the wise words of the First Minister of the Crown—"they could not free people's consciences by Act of Parliament." If these men and women really believed in the power of the sanction invoked over them—if they believed such consequences would follow the breaking of their vows, what relief could Parliament offer? What would the Committee do upstairs? Would they call the abbesses before them, and ask—"Do you coerce the inmates of your houses?" Would they ask the nuns—"Do you wish to remain?" "Did you enter of your free will?" "Do you remain of your free will?" They were told that this inquiry would be conducted by English Gentlemen. He believed it. But the very deference and respect which they would pay to the feelings of the inmates would, if it did anything, make this inquiry impotent and useless. In the case of the monasteries the inquiry would be worse. Here was another pitfall for the hon. Member and his Committee. They would ask questions in the case of men in the monasteries relating to oaths the taking of which since the Emancipation Act was criminal, subjecting the persons who took the oath to banishment, and on their return to transportation. Any person summoned before the Committee would refuse to answer. Why should he subject himself to penalties by answering? Would he be bound so to subject himself? He would not; and nothing whatever would be gained by the inquiry. What would result from the inquiry would be scenes in the Committee Room which the House and the country would not like to countenance, and would not readily repeat. Much irritation would be felt, much unkind feeling—and that was a weak phrase—excited, and no good whatever would come of it. He abhorred spiritual despotism as much as any man, but you could not fight spiritual power with carnal weapons. Would they free men's minds? Let them teach truth, not persecute error. He did not for a moment disparage the motives of the hon. Gentleman or of the large portion of the country that was supporting him in his Motion, though the very support the hon. Gentleman was receiving ought to show him the needlessness of the inquiry. For what were the motives and feelings at the bottom of that support? Alarm at the spread of Roman Catholicism in this country, and fear of its ultimately resuming its sway over the great mass of the people. He confessed he did not share that alarm in the least; but if he did he should be ashamed to meet it in this way. He hoped the Roman Catholic Members would forgive his speaking his mind upon the matter. He could not conceive how a sober-minded man, reading the signs of the times, could think that Roman Catholicism was making way in this country. The whole thought of the country was in far other directions; tradition and the history of the past were altogether out of harmony with it, and the whole outlook of the nation's future was in other quarters. How many doctors, lawyers, merchants, mechanics, or artizans were ever heard of as becoming Roman Catholics? The converts were women, parsons, and peers. Of these three classes the two latter were certainly not growing in power or in influence; there was nothing about the clergy or the peers of which the country need be afraid. As to the converts who were made among the women, the House had no right to complain on this head until they gave to women a higher, and, he would add, a more manly education — until they opened to them larger spheres of usefulness and activity. Till this was done, the House would have no right to be surprised that some women—and those not the least noble of their sex—preferred the devotions and even the austerities of a convent to the frivolities of outdoor daily life. He would not further discuss the motives of those who were supporting the Motion. Though it was said to be no party Motion, he was not surprised that it emanated from the other side of the House, for he could not help remembering that it came from those who had ever been the consistent foes of religious liberty. He appealed to those whose Protestantism, like his own, was extreme, and stood in no need of assertion or vindication by insult and injustice offered to those who differed from them. They had themselves a conflict to wage with Ultramontanism; let them enter upon that work with clean hands, and fight with weapons of which they need not be ashamed. Let them not be open still to the reproach cast on them by Sidney Smith, who charged the Dissenters with a "greedy, growling, guzzling monopoly of toleration." To this charge they would expose themselves if they suffered themselves to be led by feelings of sectarian animosity into an unnecessary, and, therefore, as he thought, most unjustifiable infringement of the great principle of religious liberty.

Mr. BROMLEY-DAVENPORT said, he felt it was the duty of Parliament on that occasion to weigh calmly and deliberately, and without party spirit or feeling, the right or wrong of the proposal of his hon. Colleague (Mr. Newdegate). He wished, in the first instance, to set himself free from any idea that, in giving his vote upon this question, he belonged to any prejudiced party. He felt quite free from the application of those adjectives—he might almost term them expletives—that were applied the other night to his hon. Colleague by the hon. Member for Dungarvon (Mr. Matthews). He did not believe there was one word of truth in those extraordinary and absurd stories which had been so frequently circulated by an extreme section of the Protestant party with reference to occurrences that had taken place in the monastic and conventual establishments throughout the country; but he was bound also to withhold his assent from many of the statements put forward in the declaration of the Roman Catholics of Great Britain, which described the monasteries and convents as the private homes of British subjects associated together to practise the counsels of Christian perfection, and stated that the superiors of these institutions did not exercise any authority over the inmates which was unknown to the law, and did not even possess such means of coercion as a teacher would have over children, a master over his apprentices, or an employer over his workmen. He differed especially from the statement that these establishments were in a similar position to private houses of English subjects. He had had frequent conversations upon this subject with many Roman Catholics, whom he had the pleasure of numbering amongst his friends and acquaintances, and they laid great stress upon that point. They had asked him how he would like his private house to be inspected? They said—"How would you Members of Parliament like inspectors to come and visit your private houses?" His answer to that had always been brief and simple—namely, that he had nobody shut up in his private house, and that if he or any other Gentleman had anybody shut up in his house — his wife, his daughter, his man-servant or his maid-servant, or any human thing that was his, the law could and would interfere, and not only set the prisoner free, but visit his or her custodian with heavy punishment. The reply had always been that those who were shut up in these places were shut up voluntarily; but the question was, could they voluntarily leave? The advocates of these institutions said that it was moral and not physical force that retained the inmates of these establishments, and urged that against moral force they could not prevail with the help of all the inspectors and Royal Commissions in the world. That, no doubt, was a position which it was very difficult to dispute; but there was a wide-spread impression throughout the country that there was something more than that, and although he did not share in it he thought it was desirable it should be dispelled and got rid of. It might be urged that it was unnecessary to institute an inspection, which was felt to be painful and insulting, in deference to any absurd ideas which might be held on the subject; but, in his opinion, a man suspected of theft would do better, if he were innocent, to turn out his pockets than remain under so unpleasant a suspicion. He hoped this Motion would not be regarded as a party Motion: His own impression was, that the first Division was not a mistake, although the majority in favour of the Motion of his hon. Friend was very narrow, and it would now be even more dangerous to retreat than to advance. If it were said that this was an inopportune moment, and that they ought, as it were, to wear list shoes in approaching a question of this character, while a certain portion of Her Majesty's dominions were in so inflammable a condition, the blame attaching to such a state of things should rest where it ought to rest, not with his hon. Friend, but with the occupants of the Treasury Bench. It was very natural that his hon. Friend and Colleague, who had entertained for many years strong opinions on this subject, should seize the first available opportunity that presented a chance of success. He hoped there might be mutual concession on this subject—that on both sides of the House there might be an inclination not to take extreme views, but to bring the matter to a peaceable issue. He was quite sure that if some arrangement could be come to, whereby all institutions, whether of men or women, whether religious or secular, which kept themselves, under any pretext whatever, within certain rules and discipline and within closed doors, should be subjected to regular inspection, it would be a healthy and satisfactory conclusion for the House to arrive at.

Mr. GLADSTONE: I do not wish, Sir, to follow the example of the hon. Gentleman who has just sat down in what I may simply call the prolongation of the discussion, which I think it is our general desire should be, if possible, wound up. One sentiment, indeed, which fell from the hon. Gentleman commanded my sympathy—namely, that which occurred towards the close of his speech, when he expressed his hope that the question would be approached by both sides of the House in a spirit of conciliation and concession; but I was a little disappointed to find him going on to advocate what, after all, is the most extreme demand ever made by the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate), that the whole of these institutions should, under all circumstances, be open to regular inspection. I am sure that such a demand as that does not afford much hope of an immediately peaceable issue, and if we wish to arrive at that result we must look at the matter in some other aspect. I quite agree with my hon. Friend the Member for Stroud (Mr. Winterbotham), in regretting the decision at which the House arrived on a former evening, and for this reason—Without raising at all the question of abstract right—and by no means concurring in the very high doctrines set up by the hon. Baronet (Sir John Simeon) of the sacredness of associations of all kinds with respect to their rules and property and to their right of immunity from Parliamentary inquiry, still endeavouring to take what I should call a practical view of the case—I own I think that the balance of inconvenience, and perhaps of serious evil, of ill-will and animosity, is likely to revolt from this proceeding rather than any solid and substantial good. I do not feel that the Government are primarily or mainly responsible for leading to a satisfactory issue these discussions. We are not responsible for this proceeding. We did not hesitate to record our vote against it, and our duty at the present moment is simply to interfere in a conciliatory spirit, and to suggest respectfully to the House for its consideration that which may appear, under all the circumstances, best to be done. In the first place, with regard to the question before us, the original Motion was that of the hon. Member for North Warwickshire, "that the Select Committee on Conventual and Monastic Institutions be nominated by the Committee of Selection," to which my right hon. Friend the Member for Kildare (Mr. Cogan) has moved as an Amendment, "that the Order for the appointment of the Select Committee be discharged." I will say one word upon each of these two issues to be submitted to-night. The Committee of Selection has often been appealed to by the House to help it out of a difficulty. In a case where charges have been brought against hon. Members whose conduct has been subjected to such imputations as entail the necessity of inquiry, and in other matters of delicacy that have come before the House not by any will of its own, but, as it were, without its own intervention or agency in any way whatever, it has been felt fair to appeal to the Committee of Selection to assist the House in sending the case to be tried before a tribunal of undoubted and unquestionable impartiality. To that extent I think it is quite fair that we should, from time to time, call upon the Committee of Selection to give us assistance. But I must observe that this is not a case of that kind. This is a case which the House has taken up for reasons the majority thought sufficient; this is a case in which the House of its own accord has chosen to grapple with a subject of peculiar difficulty, delicacy, and responsibility; and, under these circumstances, it is proposed to ask the Committee of Selection to undertake the very invidious task of nominating the Committee. If the Committee of Selection had zealously volunteered for this duty, it would not be for me to interpose an objection; but I would have said that they had undertaken a task which there was no call upon them to undertake. But now I understand from the distinct declaration of one much respected Member of that Committee (Mr. Scourfield), not contradicted by any counter-declaration of any other Member of it, that the Committee of Selection deprecate and respectfully protest against the imposition of this function upon them; and therefore I am certainly prepared to vote against the proposition of the hon. Member for North Warwickshire for constraining the Committee of Selection to undertake a task totally different from the purpose of helping us out of a difficulty in which we find ourselves placed without any choice of our own. Therefore my duty would be in that view of the matter to vote against the Motion that will be put first from the Chair—namely, "That the words proposed to be left out stand part of the Question." Then comes the Amendment proposed by the right hon. Member for Kildare (Mr. Cogan), who desires to discharge the Order for the Select Committee on Conventual and Monastic Institutions. And here I must look back to the nature of that Order, and I do so in this spirit. I think it is the duty of all Members of this House—not under all circumstances and without any qualification, but as a general rule — and especially the duty of the Government, after a decision has been arrived at by a majority of this House, to endeavour if they can to take a favourable view of that decision. When I look to what was the Motion I find it to be a declaration that a Select Committee be appointed to inquire into the existence, character, and increase of Conventual and Monastic Institutions or Societies in Great Britain, and into the terms, upon which income, property, and estates belonging to such Institutions are respectively received, held, or possessed. Upon reading that Motion it appears to me capable of being considered with reference to two matters, not only separable in idea, but widely distinct in practice—one of them is the state of the law with respect to these institutions; and the other, the conditions on which property is accumulated and held by or for them. With regard to this latter, it requires but a slighter description of *primâ facie* case to make an argument for inquiry. I freely grant to the hon. Member for North Warwickshire that when we have in the Emancipation Act of 1829 a distinct enactment affecting the existence of monastic institutions, that very fact is in the nature of a presumption in favour of Parliament considering the question. I should think —I own it is a presumption quite open to be treated in either way — that some of us would go into an inquiry upon that point, if it were the only point, with a desire to place these institutions under strict supervision. Upon that matter, however, I should be desirous to associate myself rather with those who doubted whether it was desirable to maintain the prohibition contained in the Emancipation Act. But I admit that there can be no objection *in limine*, in principle, taken to any inquiry of that kind. So also, Sir, with regard to property. I feel that which was felt by my hon. and learned Friend the Member for Stroud (Mr. Winterbotham), and so well expressed by him, that whenever property is taken out of that which is its *primâ facie* course — namely, supplying the wants of the individual and the family, and is attached to institutions of any kind, no one can say that the House goes beyond its province—though they may, of course, judge wisely or unwisely in the particular case—but no one can say the House violates principle when it says there is a case for examining the conditions on which property is held by any one or more of those institutions. I do not argue that question at length, because I confess, especially at this time of the evening, it does not appear to me to require to be supported by reasoning in detail. But then I have taken the liberty of asking the hon. Gentleman to tell us whether he intended to limit himself to the examination of the state of the law and the conditions on which income, property, or estates are received, held, and possessed, or whether he intended to examine into the internal management of these institutions, and the relations in which their members are placed to one another. Of course, I do not presume to say that even the internal management of institutions where members of society choose to associate themselves is a thing wholly and absolutely to be shielded under all circumstances from the view of Parliament. But then I think we now arrive at a point on which we must regard the case with very great jealousy. I find that the Motion to which the House acceded does contain words that undoubtedly would appear to open the internal anatomy, so to call it, of these institutions to the examination and scrutiny of a Parliamentary Committee, because the Committee is to inquire into the existence and character as well as the increase of these institutions, and I am not aware of any particular connected with the condition of the persons who belong to them and their relations to one another, or to their ecclesiastical advisers who may frequent them, that would not really and fairly fall, if I understand the words aright, within the meaning of the words "character of" these institutions. For that reason I was very desirous to know from the hon. Gentleman, who must necessarily, if this Committee is appointed, have a large share in directing the course of its inquiries, his view on that matter. And I own that I have not found the explanation he was good enough to give so lucid and so effectual as I was in hopes it might have been. One thing, indeed, he emphatically disclaimed, but then, unfortunately, it was a matter which it was wholly unnecessary for him to disclaim—namely, the idea that an immediate and systematic inspection of these institutions was to be the direct effect of his Motion. I certainly should not have felt it needful to have put any Question to him on that subject, because I know perfectly well that neither the Order of the House of Commons, nor the appointment of a Committee, nor any other decision of this House itself, can avail to direct a system of inspection to be applied over these institutions. Consequently, I find no benefit, or clearing of my doubts or difficulties, from that portion of the hon. Member's declaration. When he referred to the letter he was good enough to address to me, I own I felt that the line of distinction, which I earnestly hoped he would draw very clearly, became to the last degree obscure; or, rather, that the fair presumption was, that it was the intention of the hon. Gentleman to place within the purview of his Committee, to bring into the field of inquiry—as I admit he would be justified by the word "character" in doing—everything that refers to the internal relations of the members, because in that letter he says—

> "The information, the obtaining of which was, I understand, yesterday directed, would, in other respects, extend to subjects not contemplated by the appointment of the above-mentioned Committee, or by the passing of the above-mentioned statute; inasmuch as the inquiry necessary for obtaining this further information must extend to an investigation of the nature of the income, whether the produce of real or personal property, or derived from other sources, by which monastic and conventual institutions in Great Britain are maintained; and must further seek the practical identification of these institutions by inquiry into the discipline for their external and internal regulation."

Looking to the breadth of these words—although they are not, perhaps, free from ambiguity as to their precise scope—I must conceive that, on the whole, he does contemplate, and in perfect consistency, to give to the inquiry of the Committee the scope which I have described—namely, that the whole of their internal and personal affairs might be brought into the inquiry before that Committee. Well, that is a very serious matter indeed; and, in the first place, I should say that if Parliament is to be justified in directing an inquiry of that nature, we are bound in the first instance to exact from those who propose it—and to exact with very considerable rigour—presumptive proof of the case. I do not mean to say that everything which can be shown in a Committee-room ought in the first place to be shown in this House; but I do say that something ought to be shown. Beyond a doubt something should be shown preliminary to the appointment of a Committee, to satisfy the House that without an inquiry public interests and private rights cannot be protected. Now, I am bound to say the hon. Member for North Warwickshire has not yet provided us with that strong *primâ facie* case. But, suppose there were to be such an inquiry, does the hon. Member, or any other hon. Gentleman in this House, suppose it would be tolerable or endurable for a moment that ladies—I should rather adopt a wider phrase and say human beings—women devoting themselves to religion, should be summoned against their will to a Committee-room, by the order of the Chairman of the Committee, to have the feelings of their hearts, their principles, their motives, their conduct, their habits and rules of life made the subject of investigation by means of examinations and cross-examinations, repeated one after another by the members of the Committee? I cannot think for a moment it would be possible, even if a *primâ facie* case were established, that we could consent to permit women to be dragged before such a tribunal. As to the case of men, I will not say it bears the same aspect; but I think my hon. and learned Friend (Mr. Winterbotham) has pointed out with sufficient force and clearness that it would be very unprofitable to ask those men to give evidence which would criminate them in a Court of Law. Then with regard to the vehicle of inquiry, I think we should all feel that if the time had come for an investigation of such solemnity, difficulty, and delicacy, there could be but one tolerably satisfactory way of conducting it, and that would be under the sanction of an oath. But the proposal of the hon. Member does not admit of an inquiry into the internal state of those institutions under the sanction of an oath, nor is it in the power of the Crown—if we thought of proceeding by a Royal Commission—to direct its own Commissioners to examine on oath the witnesses coming before them. Therefore, I do not see, even if we overlook the fatal flaw, that the hon. Gentleman has not so far shown those *primâ facie* circumstances which would make it our duty to institute an inquiry—I do not see that the instrument proposed by the hon. Gentleman is fit, considering its nature and character, and the want of power to proceed with the sanction of an oath, to undertake this inquiry. That being so, let us see what would be the case supposing it should be the pleasure of the House to reject the Motion of the hon. Member (Mr. Newdegate) to direct the Committee of Selection to nominate this Committee of Inquiry. In that case we should have to consider the original Order made by the House on the Motion of the hon. Member. If the hon. Gentleman would take an inquiry into all matters connected with the property of these bodies, and the state of the law concerning them, I and my Colleagues, though not thinking that much good is likely to result from such an investigation, have so much respect for the decision come to by the House that we will not oppose the proposition. The simplest course under such circumstances would be to omit the words "existence, character, and increase of," for the purpose of inserting the words "state of the Law respecting." If, however, the hon. Gentleman should think it his duty to adhere to his present proposition, sensible of the serious difficulty of the question, we shall have to consider the best method of meeting it with a view to the interests of the country.

Question put, and *negatived.*

Question proposed, "That the words 'Order for the appointment of the Select Committee on Conventual and Monastic Institutions be discharged' be added, instead thereof."

MR. SPENCER WALPOLE: Sir, I should like to understand the position in which we are placed. The Motion now put is that the Order for the appointment of a Select Committee be discharged. I understand my right hon. Friend the First Minister intends to propose an Amendment to the original direction for the appointment of the Committee in the manner which he has pointed out. Under the circumstances, I hope the right hon. Gentleman opposite (Mr. Cogan) will assent to the Motion for the discharge of the Order, and then my right hon. Friend will make his own Motion. My right hon. Friend proposes a very reasonable Amendment; but I think it would be better if the Committee were appointed to inquire into the existence, state of the law affecting, and increase of these institutions, because the Motion distinctly points to the state of the law under the Emancipation Act, which of course will constitute the foundation of the inquiry. I think this form of words will effect the object intended better than the form suggested by the First Minister.

MR. NEWDEGATE said, the Motion of the right hon. Member for Kildare (Mr. Cogan) was proposed as an Amendment to his Motion, that the Committee should be nominated by the Committee of Selection. He had concluded that the usual course had been pursued, and that the Amendment, which was put first, having been withdrawn—["No, no!"]—He wished to know what was the Question before the House.

MR. SPEAKER: The House has agreed to negative the words which were proposed to be left out—"Select Committee on Conventual and Monastic Institutions be nominated by the Committee of Selection," and now it is proposed to take the vote upon the words of the Amendment which were substituted for the words of the original Motion, and these are the words—"Order for the appointment of a Select Committee on Conventual and Monastic Institutions be discharged."

MR. GLADSTONE: The forms of the House indicate pretty plainly the course we ought to take. Those who think with us that it would be well to substitute an amended Order for the original Order must vote with my right hon. Friend (Mr. Cogan) who has moved the discharge of the Order. We cannot, I apprehend, amend an Order which is already discharged. The way to obtain the end in view is to discharge that Order and substitute for it an amended one. Those who disapprove of the alteration of the Order may take their own course. My right hon. Friend the Member for the University of Cambridge (Mr. Walpole) will, I believe, be informed by the highest authority that the only proper and regular course will be to vote for the discharge of the Order with my right hon. Friend behind me, and then to pass an amended Order.

MR. HUNT: What the right hon. Gentleman (Mr. Cogan) proposes is that the Order be discharged. What the right hon. Gentleman at the head of the Government wishes to do is to limit the inquiry; and I think that voting for the proposition of the right hon. Member for Kildare will not affect that proposition. I should have supposed that the right course was to have negatived the Amendment of the right hon. Member for Kildare, and then the right hon. Gentleman could have proposed that so much of the Order be discharged as had reference to that part of the inquiry which he thinks should not be made. If that course is adopted, we shall understand what the Government propose; but supposing that the House agrees to the Amendment of the right hon. Member for Kildare, the object of my hon. Friend (Mr. Newdegate) will be entirely defeated.

Mr. WHALLEY said, that both he and the hon. Member for North Warwickshire (Mr. Newdegate) had challenged the decision on its being submitted to the House, that the words proposed to be left out should stand part of the Question. ["Order!"]

Mr. SPEAKER said, the hon. Member ought not to go back to that question.

Mr. WHALLEY said, there was a misunderstanding on this matter. It seemed that the forms of the House required that the Amendment of the right hon. Gentleman the Member for Kildare should be negatived.

Mr. GATHORNE HARDY: Sir, I think it is very desirable that we should come to a conclusion upon this question on a thorough understanding of what we are doing. As I understand it, the hon. Member for North Warwickshire (Mr. Newdegate) has not challenged the Division on the question of the appointment of a Select Committee upon the Order which he obtained from the House, and therefore the Amendment is now to be put. Before it is put the right hon. Gentleman at the head of the Government, as I understand, has pledged himself to place before the House an Order of a certain character, and to refer that to a Committee appointed by the House in the ordinary way. I have made inquiry, and I find that that can only be done by discharging the present Order. The Order having been passed by the House cannot be amended afterwards, and that is our only way of arriving at that, which I understand the hon. Member for North Warwickshire requires, because he has given up his own Motion, and, therefore, I presume he has adopted that of the right hon. Gentleman at the head of the Government. [Mr. Newdegate: No, no!] My hon. Friend has put himself in that position by accepting the decision of the House upon the first question, and the only way of arriving at that which has been proposed by the right hon. Gentleman at the head of the Government is by discharging this Order. It is a matter which has been misunderstood, as my right hon. Friend the Member for the University of Cambridge has already explained. It was only because there seemed some doubt in other minds that I have risen upon the question. I am anxious that the Motion which the right hon. Gentleman has promised us should be before the House, and I therefore think that the Order in the present case should be discharged.

Mr. BRUCE: I rise simply for the purpose of confirming the accuracy of the view of my right hon. Friend the Member for the University of Oxford with respect to this Motion. My right hon. Friend at the head of the Government intimated clearly enough that it was not the intention of the Government practically to support the Motion of the right hon. Member for Kildare (Mr. Cogan). He stated, in terms, which I think could not be misapprehended, that the Government accepted the vote of the House upon the original Motion; but he entered into an argument which I think must have produced an impression upon the House, to show the extremely difficult and delicate nature of a large portion of the Motion of my hon. Friend the Member for North Warwickshire, of which I think my hon. Friend is not altogether insensible. He proposed, as the only way of submitting to the House the Motion he intended to bring forward, that there should be the merely formal step, in the first place, of acceding to the Motion of my right hon. Friend the Member for Kildare, so that the original Order might be got rid of, and that the Motion which he intended to submit to the House might be regularly placed before it.

Mr. GREENE moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Greene.*)

Mr. NEWDEGATE said, he had been placed in a difficult position, in being called upon to give an explanation. He preferred that the Committee should be nominated by the Committee of Selection; but he did not challenge the decision, because right hon. Members on the front Bench—to whom he deferred in this matter—did not show any sign whatever; he therefore concluded that they wished him to proceed to nominate the Committee in the ordinary course. He had no intention of submitting to the Order of the House being rescinded, which would disappoint the expectations of the country, that Order having been supported by the vast majority of Petitions from England and Scotland. How could he be expected to assent to the rescinding of the Order? The proposal of the Government was, that an inquiry should be made only into the property of these institutions, and therefore into no institutions which had not property; and he did not see why an inquiry into the character and increase of these institutions should be avoided, or how, without an inquiry into the character of these institutions, they were to ascertain which of them had property. He had carefully read the Report of the Committee of 1851-2, with the evidence taken by them, and it was perfectly obvious that you could not trace those institutions; that you had no means of identifying them; that they would remain as completely unknown to the law as was their property, owing to the failure of the Act of 1860. No record of them existed. Perhaps the information desired might be obtained by means of a roving Commission; but the intention of the House would be defeated, and the expectation of the House would be set at naught if the proposal of the First Minister of the Crown were adopted. Such was his present impression. What he had hoped was that the right hon. Member for Kildare (Mr. Cogan) would not press his Motion; and he did not believe that hon. Gentlemen, after repeatedly voting in favour of the inquiry as first proposed, would suddenly abandon their intentions, upon representations from the Prime Minister that no evidence could be obtained unless every nun in these institutions was called before the Committee. Why, it was manifest that there must be sources of information outside these communities. The Roman Catholic Bishops declared that they controlled the convents, and, of course, they would be the first persons examined, perhaps not before the House inquired whether in the Rolls Court there were any records of the trusts connected with these institutions, though the Home Secretary declared that such was the confusion in the Rolls Court at present, that at the end of last Session it would have taken eight months to give a list of the trusts enrolled during the last three years. Let not the House be deceived. If they consented to the discharge of the Order, they consented to the reversion of their former decision. The right hon. Gentleman promised to do something. Why, then, should he not, in the first instance, maintain the Order, and afterwards make a proposal for its amendment? Obviously, if the House meant to maintain its decision, it would maintain its Order, and then, if it thought fit, let the right hon. Gentleman amend the terms of it. He should decidedly vote for the maintenance of the Order. He wished to meet the desire of the country by obtaining information as to the character of these institutions. He wished to know which were the cloistered convents, and for this reason—nuns who went forth into the world might possibly obtain the means of support; but cloistered convents must be maintained by property of some kind. The whole feeling of the country, as shown by the Petitions, would be deeply disappointed if, because threatened in violent terms by a small section of the community and their representatives, the House submitted to the imputation of having intended to commit an outrage upon innocent ladies for the purpose of obtaining information, which could be otherwise furnished. He trusted the House would not be induced to stultify its former decisions with the prospect merely of a proposal from the right hon. Gentleman, which, so far as he could understand it, would limit the action of the Committee to ineffectual attempts to ascertain the property of these institutions, and direct the Committee to find means of legalizing wholesale some of these institutions, which had been found insufferable in other countries.

Mr. DISRAELI: I think, Sir, the only practical question before us this evening is to decide the mode in which the inquiry which the House has already directed to be instituted should be conducted. If the House had been content to refer the matter to the Committee of Selection, I should have offered no opposition to the adoption of that course. If, however, I had a choice between a Committee appointed by the Committee of Selection and a Committee appointed by this House, I should have preferred a Committee appointed by this House. I think it is desirable that this question should be investigated by a Committee selected according to our usual Parliamentary practice, and that the hon. Gentleman who brought the subject under our notice (Mr. Newdegate) should be placed in a position on that Committee, with that responsibility which, I am sure, he must have well weighed before he invited us to consider this question. Therefore, as it now somewhat unexpectedly appears we are not to have a Committee appointed by the Committee of Selection, I will not support the Motion for the discharge of the Order, for the purpose of adopting the proposition of the Government, which I confess I have not had an opportunity of sufficiently considering. I will adhere to the original plan, for I prefer submitting this inquiry to a Committee appointed in the usual manner.

MR. ASSHETON CROSS said, he wished, as it was desirable that the House should not separate without some definite action being taken, to know whether, in the event of the Order being discharged, another Order of the House could be made in lieu of it that evening.

MR. SPEAKER: A Motion may immediately be made in substitution of the existing Motion.

MR. CANDLISH said, he was prepared to accept the compromise proposed by the Government rather than have no inquiry at all, which, judging from experience, would be the result, seeing the difficulties which lay in the way of the appointment of the Committee proposed by the hon. Member opposite (Mr. Newdegate).

MR. J. G. TALBOT said, he would assent to the discharge of the Order, on the understanding that another Order of the House would be made in the sense indicated by the Government.

MR. KINNAIRD said, he concurred in the view expressed by the hon. Member for Sunderland, and would support the discharge of the Order.

MR. GREENE said, he would withdraw his Motion for the adjournment of the debate.

Motion, by leave, *withdrawn.*

Question put, "That the words 'Order for the appointment of the Select Committee on Conventual and Monastic Institutions be discharged' be added, instead thereof."

Mr. Disraeli

The House *divided:*—Ayes 270; Noes 160: Majority 110.

Main Question, as amended, put, and *agreed to.*

Ordered, That the Order for the appointment of the Select Committee on Conventual and Monastic Institutions be discharged.

MR. GLADSTONE: I now move, Sir, that a Select Committee be appointed—

> "To inquire into the state of the Law respecting Conventual and Monastic Institutions or Societies in Great Britain, and into the terms upon which income, property, and estates belonging to such institutions or societies, or to members thereof, are respectively received, held, or possessed."

MR. MATTHEWS said, he was sorry to interpose between the House and the hon. Member for North Warwickshire (Mr. Newdegate); but he desired to take the earliest opportunity of stating, on his own behalf, and on behalf of many of his co-religionists whose sentiments he spoke, that they found themselves under the necessity of opposing the Motion which the right hon. Gentleman the First Minister of the Crown had just laid before the House in substitution for the Order which had been discharged. He was free to confess that the most odious part of the Order, as far as the feelings of the Roman Catholics were concerned, had been got rid of by the form in which the right hon. Gentleman at the head of Her Majesty's Government had submitted this matter to the House, and he ventured to state that he should be able to show sufficient reasons against even the modified Order which was now before them. He would in the first place point out that, as far as he knew, the House had never ordered a Parliamentary inquiry without its being suggested with what view that inquiry was to be made. Let it be remembered, too, that the property of these institutions, if they had any ["Oh, oh!"]—and he believed that what they had was very little, was at the present moment liable to forfeiture, and the individuals taking vows in monasteries were by certain clauses in the Act to which the hon. Member for North Warwickshire was so fond of referring, guilty of a misdemeanour. Any property held by a community of monks in this country was forfeitable, just as much as property left to a community of pickpockets; and the terms of the Motion proposed by the right hon. Gentleman were wide enough to compel disclosures from the members of such a community which would render their property liable to forfeiture. If the inquiry were limited to the law affecting monastic institutions generally, and to the mode in which these institutions held their property, he should not have thought it necessary to say one word; but an inquiry into specific facts would involve matters not only painful, but which it was almost impossible for any Committee to obtain the knowledge of. These institutions had laboured under the disadvantage of voluntary association, having had up to the present moment no help from the law or the Government, and they dreaded that sort of intimacy with the State which began with inquiry and ended with confiscation. He should certainly divide the House against the proposition of the right hon. Gentleman.

MR. SYNAN said, he felt himself in the same position as that occupied by the hon. Member, and if a Division took place would be obliged to go into the same Lobby with him. This mortifying Motion mixed up two things which ought to be separated—an inquiry into the law, and an inquiry into the property of these establishments. He could understand an inquiry into the law, with a view to its amendment, and the preservation of the property of these communities from confiscation; but, in this case, the moment the property was exposed it was by law confiscated, and the members of the monastic institutions were liable to the penal consequences of transportation. He should certainly vote against the Motion.

MR. NEWDEGATE could not say that he did not regret the decision at which the House had just arrived. He thought it was impossible for the Committee successfully to prosecute such an inquiry without entering into the subject in the manner specified in the Order which the House had been pleased to rescind. But he certainly should not oppose the Committee now suggested. A good deal had been gained by what had occurred, if only in showing the vast increase of these establishments of late years. He should, therefore, watch the progress of the Committee, fearing it might find itself incapacitated by the omission of the terms embodied in the Resolution which had been first adopted by the House, and reserving to himself the power of moving any Instruction which experience to be gained from the proceedings of the Committee might prove to be necessary.

SIR HENRY HOARE said, he wished to know from the Prime Minister whether Anglican sisterhoods and institutions connected with the Ritualistic party would be included in this inquiry? His vote depended on the answer. He did not wish anybody to suppose that he was affected by any love of the Roman Catholic religion, but it was impossible to play fast and loose with religious principles.

MR. EYKYN said, he had given Notice of a Motion to the effect that inquiry should also be made into Anglican and all similar institutions throughout the United Kingdom; and he trusted to receive from the Government an intimation that this view would be acted upon, otherwise he should be compelled to press his proposal by way of Amendment to the Motion of the right hon. Gentleman.

MR. REED said, he would support the proposal of the hon. Member for Windsor (Mr. Eykyn). He had never given a vote affecting the Roman Catholic community especially, and he had no wish to do so in this instance. On the other hand, if there were any religious bodies in the country which refused to give information as to the terms on which their property was held, he thought that would be a matter deserving the attention of the House.

MR. GLADSTONE: My hon. Friend will have the kindness to recollect that I am not the author of the words of this Motion, or of the Motion itself; and that it is simply owing to the necessity imposed by the forms of the House that I myself have now moved this Motion, my intention having been to amend the Motion of the hon. Member for North Warwickshire (Mr. Newdegate) and nothing more. To the question put by my hon. Friend I can give no authoritative answer, nor can I undertake to give any. But I would suggest that the Committee itself will have to consider what are conventual and monastic institutions, and if they find any institutions answering that description within the limits of any other than the Roman Catholic body, undoubtedly these will also fall within the scope of their inquiry.

If they found that they were, they would undoubtedly fall within the view of the Committee. Indeed, I am not aware of any reason why they should not fall within the terms of the Motion. At the same time the House will see that any declaration of this kind is not within my province, as the proposal was not ours, but has been accepted by the Government with such a modification as we believe to be necessary.

Mr. SCLATER-BOOTH said, he was surprised to hear the declaration which had just fallen from the right hon. Gentleman, because the House would, he believed, certainly understand that the Government had taken this matter out of the hands of his hon. Friend (Mr. Newdegate), and having so taken it out of his hands it would be for the Government to appoint the Committee. It was true that the right hon. Gentleman had stated that he had only amended the Motion of his hon. Friend; but the Order was so entirely different from the Order which the House had passed the other evening, that he was surprised not only at his hon. Friend assenting to it, but to find that so many who supported his hon. Friend the other evening had now gone into an opposite Lobby. They had heard from the right hon. Gentleman that the Committee should examine into the requirements of the law which were opposed to conventual establishments, in the hope, as he had stated, that they would be found capable of amendment. That he certainly did not understand to be the object which his hon. Friend the Member for North Warwickshire had in view.

Question put.

The House *divided*:—Ayes 348; Noes 57: Majority 291.

Mr. EYKYN gave Notice that he would move on a future day, that it be an Instruction to the Committee that, within the scope of their inquiries, they shall include Anglican and all other so-called religious institutions throughout Great Britain.

Mr. MATTHEWS also gave Notice of his intention to move, that it be an Instruction to the Committee to inquire into any matter involving the forfeiture of any legal or equitable interest in property.

Mr. WHALLEY gave Notice that he should move on an early day, that it be an Instruction to the Committee also to inquire into the existence, character, and increase of Conventual and Monastic Institutions or Societies in Great Britain.

THE LICENSING QUESTION.

OBSERVATIONS.

Mr. BRUCE said, it would be for the convenience of the House and of the country to know that, after consideration, he had decided that there was no prospect of his being able to introduce a Bill to amend the law relating to the sale of exciseable liquors, having the large scope which such a Bill should have—for it would consolidate at least 40 Acts of Parliament—in addition to the other important measures to which the Government were pledged. The Government, however, would consider it their duty to introduce the Bill at the earliest possible moment next Session. Meanwhile, he proposed to introduce a short temporary Bill, to prevent the vesting of any interest which might otherwise be created by the granting of any new licences at the brewster sessions held between this and next Session. Such licences would be granted for a year only, and would be subject to any conditions upon which Parliament might determine in the temporary Bill he should submit.

Mr. ASSHETON CROSS said, he regretted the decision of the Government not to legislate on this question in the present Session.

Sir WILFRID LAWSON said, he must remind the right hon. Gentleman (Mr. Bruce) that licences for the sale of intoxicating drinks were never granted for more than a year.

GAME LAWS AMENDMENT (NO. 2) BILL.

On Motion of Mr. Hardcastle, Bill to amend the Laws relating to Game, *ordered* to be brought in by Mr. Hardcastle and Sir Wilfrid Lawson.

Bill *presented*, and read the first time. [Bill 115.]

House adjourned at
Two o'clock.

HOUSE OF LORDS,

Tuesday, May 3, 1870.

MINUTES.]—PUBLIC BILLS—*First Reading*—Sequestration * (81).
Second Reading—Bankrupt Law Amendment (Ireland) (61); War Office (74).
Committee—County Courts (Buildings) * (70-80).
Third Reading—Customs (Isle of Man) * (54). Survey of Great Britain, &c. * (78), and *passed.*

BANKRUPT LAW AMENDMENT (IRELAND) BILL—(No. 61.)

(*The Marquess of Clanricarde.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE MARQUESS OF CLANRICARDE, in moving that the Bill be now read the second time, said, that its principal object was to extend to Ireland those provisions of the English Bankruptcy Law by which the distinctions between traders and non-traders were abolished. This was a step which, in England, had given great satisfaction to the commercial world, and had met with universal approval in Westminster Hall. He anticipated no opposition to his present Motion. The measure had twice passed this House, and had not failed to become law through any open opposition; but had been put aside in the House of Commons in a way not very respectful to their Lordships or to Ireland, where its defeat was attributed to private and personal motives. He proposed to add to the Bill other provisions, enabling creditors to appoint a trustee to manage a bankrupt's estate; but if these were objected to he was willing to restore the Bill to its original shape; and another providing that persons having privilege of Parliament may be adjudged bankrupt in Ireland. It was a well-founded Irish grievance that, where no political or party interest was excited, questions affecting the material well-being of the country were neglected, and it was this feeling which prompted the Petition presented by a noble Lord (Lord Talbot de Malahide) last night in favour of the repeal of the Union. A Commission reported some years ago on the practice and procedure of the Courts of Law and Equity, and a Bill relating to Chancery was passed with no great delay, because it created a very good piece of patronage; while the amendment of the Bankruptcy Law, which did not involve the creation of any office, is neglected. This Bill would not stand in the way of the comprehensive measure which was sometimes promised, but not a line of which had been drafted, and he hoped that if it passed this House the Government would assist in carrying it through the House of Commons.

Moved, "That the Bill be now read 2ª."—(*The Marquess of Clanricarde.*)

THE LORD CHANCELLOR said, he gave every possible credit to the noble Marquess for his desire to improve the law in Ireland; but, with regard to this particular Bill, he could not take upon himself to give his assent to every portion of it. Moreover, it did not, as appeared to be the noble Marquess' intentions, entirely assimilate the Irish to the English laws. It was very desirable that the subject should be considered, and it would be unreasonable in the highest degree to oppose the second reading of the Bill; but when in Committee it was very probable that it would require close attention.

Motion *agreed to:* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* the 19th *instant.*

WAR OFFICE BILL—(No. 74.)

(*The Lord Northbrook.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD NORTHBROOK, in moving that the Bill be now read the second time, said, its object was to provide for the Secretary of State for War greater assistance than he now possessed in the other House of Parliament. He believed that a very short consideration of the subject would convince their Lordships that this was a desirable object, and that it would be effected by this Bill in a proper manner. A very slight consideration of the multifarious duties performed by the Secretary for War would convince their Lordships that the satisfactory performance of them overtasked the energy, industry, and ability of any single man. The Army Estimates, for instance, after the reductions which the Government had been able to make, amounted this year to nearly £13,000,000, spread over 27 different Votes, and occupying nearly 200 pages, on every detail of which the Secretary for War might be called upon to answer in the House of Commons; while he had to be ready to discuss every branch of Army administration. Not only must he be prepared to discuss every one of these subjects as they were brought before Parliament, but he must also attend any Parliamentary Committees which might be appointed affecting his Department. The thirst for knowledge which distinguished Members of the House of Commons was so great and increasing that six or seven Questions were occasionally put to the Secretary for War in one night; while whenever the Army Estimates were on the Paper something like a dozen Notices of Motions and Questions were given. The duty of answering these was yearly becoming more arduous. Besides all this labour and all the duties of his Department, the Secretary for War, as a member of the Cabinet, had to give his advice and assistance in all matters of general administration. It was evident that such an amount of work could not fairly be expected of one man; who, it must also be considered, was frequently a civilian, to whom the mastery of all the details of his Department was, therefore, a more laborious task than it would be to a military man. Their Lordships, moreover, would certainly admit that the organization of the War Department in any country should be framed in such a manner as to be adequate not to times of peace merely, but to those of war. Now, if war should break out, it would surely be impossible for the Secretary for War properly to bear, in addition to his ordinary labours, the responsibility of military operations. Hence it was not surprising to find that Sir John Pakington—a statesman who spared no time or labour in transacting the duties of any Office, and who was not disposed to shrink from accepting any responsibility — had frankly admitted that the duties of the Secretary for War were unduly heavy, and were such as he could hardly discharge satisfactorily to himself, and had fully endorsed the opinion of the present Secretary for War on that point. It would not, perhaps, be unbecoming in him (Lord Northbrook) to say that, from his own personal experience, he was fully able to appreciate the difficulties this Bill was intended to meet. When in 1861 he had the honour of filling the office of Under Secretary of State, he was, during a whole Session, the only officer of the Department then in the House of Commons, and he had consequently to perform all such Parliamentary duties as a subordinate officer could discharge. He was able, therefore, to testify that the work was more than could be expected of one man—though he was, of course, relieved by his chief from that responsibility which weighed upon public men, and had not to discharge the higher duties devolving upon the confidential servants of the Crown. Parliamentary assistance would be a great advantage to the Secretary for War—not a personal advantage, but an advantage to the public service—and this Bill was intended to remove, to a considerable degree, that Parliamentary pressure which now fell so heavily on the Secretary of State by the creation of two new Offices in connection with the War Department, the holders of which should be eligible to sit in the House of Commons, and should be responsible to the Secretary of State for the performance of certain duties. These officers were respectively entitled the Surveyor General of the Ordnance and the Financial Secretary of the War Office. The Surveyor General would have two officers under him—one for the purpose of superintending what were styled the *munitions de bouche*, and the other the *munitions de guerre*. Questions relating to both were of the greatest importance in our Army administration, and had, especially the latter class, lately received a great deal of attention in Parliament; both were full of complicated and difficult details, and therefore the presence in the House of Commons of the Surveyor General, who would be a professional man and able to explain them, would be of the greatest possible assistance to the Secretary of State. The Surveyor General of the Ordnance would be a military officer. The late Lord Herbert, under whom he (Lord Northbrook) had the honour of serving, than whom no Secretary for War could have more thoroughly devoted himself to the benefit of the Army and to every branch of Army administration, when examined before the Committee on Military Organization, in 1860, said that if one or more of the heads of Departments had seats in the House of Commons it would be a great public advantage, especially when the Secretary of State was a civilian; for when such a Secretary spoke on military subjects his authority was questioned, and when he answered military questions he was told that he merely retailed the opinions of others. If he had at his side as a colleague a soldier of distinction, it would, in Lord Herbert's opinion—and he hoped that the weight of such an opinion would have much influence on their Lordships—be a great advantage, and the Committee adopted this view in their Report. The duties of the Financial Secretary would be mainly in connection with the details of the finances of the Army; and he would assist the Secretary of State in the detailed discussion of the Estimates, with the minutiæ of which the Secretary of State must almost necessarily be ignorant. He believed that it would be very advantageous if a Parliamentary officer had a larger share in the decision of questions of detail than is now the case. No one could entertain a higher opinion than he did of the ability of the permanent servants of the Crown; but in cases—such as frequently arose—where considerations of equity pointed in one direction, but strict regulation and precedent in another, the advantage was great that the decision should rest with a man who would feel that it must stand the test of discussion in Parliament. The duties of the Surveyor General and Financial Secretary would be defined by Orders in Council, which would be laid before Parliament. This, he believed, was a constitutional course, and would tend clearly to define duties. The only objections which he could anticipate to the Bill were two. The first was, that it would lessen the responsibility of the Secretary for War. Now, this might, in a modified sense, be the case, as far as it imposed a certain degree of responsibility on the officers thus created; but nobody conversant with the mass of business transacted at the War Office and Horse Guards could suppose that the Secretary of State could really be personally responsible for every transaction and detail of his Department; in the words of the old maxim—*Nemo tenetur ad impossibile.* In the Navy Department the First Lord was assisted—much as it was proposed that the Secretary for War should be—by Colleagues responsible for different portions of the administration, who undertook to answer for their several departments in the House of Commons; and the presence in the House of Commons of distinguished naval officers had not been found to impair the responsibility of the First Lord. On the contrary, it had been found an advantage that he should be thus assisted. So in the Home Department, the Secretary of State was assisted in the House of Commons by the Under Secretary, to whom was entrusted certain defined duties and the task of carrying certain measures through Parliament; and this arrangement did not weaken the responsibility of his chief. The second objection which might be raised to the Bill was, that it would be difficult to find an officer with sufficient experience for the appointment of Surveyor General, who was also possessed of a seat in the House of Commons. To this he would reply that if no such officer could be found, their position would only be what it now was. The Bill made it possible, but not necessary, that the Surveyor General of Ordnance should have a seat in the House of Commons. The first consideration would be to find the proper man for the Office. If he had, or should acquire, a seat in the House, so much the better; if not, the want of it would be no impediment to his selection for the Office. In former years the Master General of the Board of Ordnance, the Surveyor General, and other officers, were eligible for seats in the House of Commons; but this did not prevent the appointment to those posts of men outside the House. Sir George Murray and Sir Hussey Vivian had held the appointment of Master General both in and out of Parliament. General Peel, General Anson, and General Fox—men highly competent to perform any duty of the kind—had sat in the House of Commons; and he saw no reason to suppose that the constituencies would object to return distinguished military, as they certainly did return naval officers. He was convinced that it would be found possible to select for the Office of Surveyor General of the Ordnance officers of the highest distinction, who should also be Members of the House of Commons. Somebody had been good enough to describe the Bill as "a Whig job"—alleging its main object to be to create two new Offices under the Crown; but its almost unanimous adoption by the other House was sufficient to refute this assertion. Had it been designed to perpetrate a job, the obvious plan would have been to create two or three Offices tenable for life, with large salaries, to which supporters of the Government might have been appointed; whereas the Bill did not propose the creation of permanent appointments. The truth was, that an absolute necessity existed for the Bill. It was now admitted on all hands that the consolidation of Offices which was carried out after the Crimean War was pushed somewhat too far. At one time, besides the large representation of the Board of Ordnance in the House of Commons, several important portions of Army business were represented by the Secretary to the Treasury and the Home Secretary. If the Department was excessively represented in the House of Commons at that time, it certainly was inadequately represented now, when it was considered what an immense accession of duties had been thrown upon it. The East India Company's troops had been amalgamated with the Imperial Army, the Volunteer force had been created, questions exciting much attention connected with the Reserves had arisen, improvements had occurred in ordnance and fortifications, and this great increase in the labour of Army administration surely justified the present measure. He hoped that he had now sufficiently explained the purport of the Bill; and that, seeing it had received the almost unanimous assent of the other House—which it principally concerned—their Lordships would find no difficulty in reading it the second time.

Moved, "That the Bill be now read 2ª."—(*The Lord Northbrook.*)

The Duke of RICHMOND said, he did not intend to offer any opposition to the second reading; but to some of the provisions of the Bill he entertained a strong objection, and he had listened with increasing disappointment to the noble Lord's explanation of the grounds on which it had been introduced. In regard to what the noble Lord had said about the imputation of jobbery that had been attached to the Bill, he (the Duke of Richmond) not only did not impute any such motive, but he wished that one of the Offices had been made permanent, even though it might have occasioned a cry that the Government were creating places for their supporters. He must also observe that the noble Lord had certainly advanced a strange argument in favour of the Bill, when he had said that the necessary ignorance of a civilian Secretary of War upon many points of military detail rendered it necessary to provide him with efficient Parliamentary assistance. Surely, the better plan would be to find a Secretary for War who was not ignorant on such points. He intended no imputation whatever upon the military accomplishments of the present Secretary of State for War; but the noble Lord had advanced the natural ignorance of civilians as a reason for this Bill. It was true, as the noble Lord had said, that the curiosity of Members of the House of Commons extended to all questions connected with the Army, as to all other subjects; but he (the Duke of Richmond) confessed that he thought it would be well if the system of cross-examining Ministers upon the details of Army management and discipline, were not pushed to quite such rigorous extremes. There could hardly, however, be a greater multiplicity of business in the War Office than in the Home Department. Was there not quite as much detail and of a varied character, connected with one Office as with the other? The evidence of the two officers of great eminence which had been cited, said that responsibility existed, but within fixed limits, and that the Secretary of State for War was responsible in one sense and not in another. He (the Duke of Richmond) did not quite understand this. He had always understood that the head of a Department was responsible to the country for everything that took place in his Department, and that no understanding or arrangements with regard to his subordinates could divest him of the responsibility which Secretaries of State had hitherto always had attached to them. The noble Lord also stated that the Army Estimates, and the details arising out of them, required that the Secretary of State for War should have assistance; but no amount of assistance would take from him the necessity of answering all those Questions which the noble Lord seemed to be of opinion he would be able to divest himself of if the proposed change took place. As to the Financial Secretary of the War Office, he could not say he was convinced of the necessity of creating such an officer with a seat in the House of Commons; but, as the Government brought forward the proposal on their own responsibility and conviction of the expediency, he would not oppose it. The other appointment was that of a Surveyor General of the Ordnance, who was to be responsible in all matters relating to the *matériel* of the Army, as the Commander-in-Chief was for its discipline. But if it were advisable that the Commander-in-Chief should not be a political officer, he (the Duke of Richmond) thought it equally desirable that the Surveyor General should be in a similar position. Notwithstanding all the examples, of which the noble Lord had spoken, of distinguished officers who had seats in Parliament, the Government would, in general, in appointing the Surveyor General of the Ordnance have to look out for, not the best officers in the Army to fill the post, but to find the best men they could get who could also command a seat in Parliament. This would be a great misfortune. He thought it desirable that the proposition that the Surveyor General of the Ordnance should be eligible to sit in the House of Commons should be struck out of the Bill; and in Committee he would move that that part of the Bill be expunged. He would not weary their Lordships with further remarks, except to say that the creation of two officers, no doubt with considerable salaries, came with bad grace from a Government which had reduced the Army and Navy to a point which he regarded as most unwise.

The Earl of LONGFORD said, he had observed the necessity, when himself Under Secretary, of some additional Parliamentary assistance to the Secretary of State for War, who was subjected to such unmerciful questionings and interviews at the hands of his friends as to leave him little time for his multifarious duties. One of the officers to be created under this Bill with a seat in Parliament was to be charged with the efficiency of the *materiel* of the Army; but it was to be remembered that the presence of Ordnance officers in the House of Commons, under the old arrangement, did not prevent an army being sent to the Crimea insufficiently equipped and insufficiently supplied—the result being a temporary failure, the blame of which was unfairly cast on the Army. The War Office was only a means to an end, to raise and maintain the Army; and a re-arrangement of the War Department would not necessarily lead to the efficiency of the Army. The reductions to which the noble Lord had referred were by no means satisfactory to all concerned, for it was understood that as the result not a single regiment of Cavalry or Infantry, and not a single battery of Artillery was in an efficient state to take the field, and no means of completing their establishments to the proper numbers were immediately available. It was supposed to be in contemplation to provide reserves with which to complete them; but these did not at present exist. The Army had suffered from frequent changes in the War Office, and it was one of the objections to this Bill that under it four principal officers, instead of two, would have to resign on a change of Ministry. The Surveyor General of the Ordnance, as having the direction of all details, certainly ought to be a permanent officer, so that successive Administrations might profit by his experience. And the changes in the head of the War Office were not made for departmental reasons only. On the accession of Lord Derby's Government a gallant officer who enjoyed the confidence of Parliament and the country was appointed Secretary for War; but in a few months he resigned, owing to a political difference with some of his Colleagues; and his successor after 14 or 15 months had to retire, not on account of any failure in the Department, but on account of the advent of a new Ministry, which felt itself strong enough to deal with the Irish Church—a question with which the Army as an army had no concern. Reductions, moreover, had been made, and long lists of officers' names now stand in the *Army List* printed in Italics, who were under notice to quit without "compensation for disturbance." The Army was far from satisfied with this policy, which made the soldier's position one of such uncertainty. Economists might be gratified with reduced Estimates; but if at any time a moderate military effort became necessary, it would be found that the supposed economy had been dearly purchased. He would not oppose the second reading of the Bill; but he could not regard it as a complete solution of the question of military administration.

VISCOUNT HARDINGE said, he entirely agreed in the propriety of additional assistance being given to the Secretary of State for War, and he had no objection to the Financial Secretary having a seat in Parliament; but he thought very strong reasons had been shown why the Surveyor General of the Ordnance should not sit in Parliament. No doubt, six or seven officers of the Department were formerly allowed to be Members of the House of Commons, and that at a time when the Militia was under the control of the Home Office, and the Commissariat under that of the Treasury; but under the present altogether different organization there was no necessity for the representation of the several departments in Parliament. His noble Friend had not made out any case of necessity for the Surveyor General having a seat in Parliament. Having looked through the most able Report on the re-organization of the War Office, he had completely failed to discover any strong and valid reason why the Control department should be represented in Parliament. Such an arrangement was not proposed by Lord Strathnairn's Committee. They recommended that the Controller should be an officer of high rank; that he should have a salary of £2,000 a year; that he should take rank with the permanent Under Secretaries of State; and not only that he should be an officer high in military rank, but that care should be taken in the selection of such an officer to obtain one with special qualifications for an administration which now comprises not only *munitions de bouche*, but *munitions de guerre*. Consequently, it was of the highest importance that the officer appointed should be the very best man who could be had. We were fortunate now in having Sir Henry Storks; but he had already failed to obtain a seat in Parliament—so that what had been spoken of as a probable difficulty had actually occurred. He thought that the Bill would either be a dead letter, or that, in future, Governments would be much tempted to appoint some Parliamentary adherent to the office of Surveyor General. It was more important that great care should be taken in the selection of the Surveyor General of the Ordnance than that he should have a seat in Parliament, because, contrary to the recommendation of Lord Straithnairn's Committee, we were about to place all the *matériel* of war under the supervision of the Surveyor; and we should necessarily impose upon him a much greater amount of labour and a greater amount of responsibility than one man could undertake. If, added to these, he was to be obliged to attend in the House of Commons at 4 o'clock, and to remain there several hours in discharge of Parliamentary duties, how could it be expected that the Department could be efficiently controlled? His noble Friend had remarked that constituencies would be always ready to return to Parliament military men of eminence, and that there would be no difficulty in finding in the House of Commons men possessed of the necessary qualifications. But had not the last Reform Bill vastly increased the amount of local influence brought to bear upon elections? Generally speaking military men were not so connected as to have local influence, and in future they would have great difficulty in getting into Parliament. The organization of the Store department which had been adopted by the War Office was in opposition to the recommendation of Lord Strathnairn's Committee, and he would be glad to know the grounds of that decision. It had been said that it had failed in Prussia; but had it failed in France, when the French army was in the Crimea? Was not the French Intendance the model on which we had mainly based the alterations of our supply and transport arrangements? Then why were not the Committee's recommendations on that head adopted? With regard to the Financial Secretary, he presumed that there would be no difficulty at any time in finding a Member of Parliament, a supporter of the Government of the day, who would be sufficiently versed in finance and political economy to undertake the duties of that Office. With regard to the financial arrangements of the War Office, he presumed no one would quarrel with the financial principles laid down in the Report. Nothing could be more objectionable than the old system of checking and mistrusting everybody in the War Department; nothing could be more objectionable than heads of Departments giving to the Secretary of State Estimates which they knew would be cut down by one-half; and nothing was more desirable than that the Secretary of State should have clear ideas of financial policy *ab initio*, to use the term adopted in the Report; for hitherto the rule had been for the Chancellor of the Exchequer to determine upon a reduction of the Army Estimates, and for a merciless cutting down of officers and men, for the simple reason that this course was the easiest; it being well understood that for every man knocked off £100 was saved. His noble Friend said the late reduction was the consequence of the clear financial policy of the Secretary of State; he (Viscount Hardinge) supposed that this referred to the withdrawal of troops from the Colonies; and although that might be the financial policy of the Government, that was a policy which had been much questioned, and the simple fact remained that during the last two years we had reduced our Army by 24,000 men. As had been stated, we had no reserves to fall back upon, and, consequently, if we drifted into war we should be exposed to the same inconveniences we were at the time of the Crimean War, and should have the same difficulty in filling up our reserves. He hoped the new arrangements would work satisfactorily, and promote harmonious and united action in the War Department; for nothing could be more prejudicial than a constant succession of Committees passing recommendations which conflicted with each other. He did not object to the financial department being represented in the House of Commons, but he ventured to make a protest against the Surveyor General having a seat in Parliament.

VISCOUNT HALIFAX said, he would venture to express an opinion upon this question based upon his long experience at the Admiralty. The First Lord of the Admiralty was as responsible to Parliament and the country as a Secretary of State for all that was done by the officers under his control. It was his duty to inform himself so as to answer any Questions which might be put to him as to the conduct of the naval Department and naval service; but at the same time it was exceedingly useful that the First Lord of the Admiralty should have in Parliament the assistance of professional Colleagues. For four of the years that he was at the Admiralty as First Lord, Sir Maurice Berkeley, who was Senior Sea Lord, was in Parliament, and relieved him considerably in the duty of answering the Questions that were put; but the last year he was at the Admiralty, in the absence of Sir Maurice Berkeley, he experienced more or less difficulty in answering Questions which were sometimes put without Notice, and on which he had not the opportunity of informing himself from his ignorance of professional details. Nor could the opinion of a civilian, however well informed, have the same weight as that of an experienced officer. He quite agreed with the noble Lord (Lord Northbrook) that it would be much better that many Questions which were asked should not be put; but as they were asked, they must be answered, or there would be an end to all Parliamentary government. The same remarks would hold good of the Secretary of State for War, who was responsible for many details, and had to answer many Questions concerning them; and, however well qualified he might be to administer the Department, it was impossible he could be fully acquainted with all the details as to the military service which were raised in Parliamentary debate, but to which professional Colleagues would be able to speak promptly and satisfactorily. It was true, the best man to be found in either profession had not always a seat in Parliament; but this was one of the inevitable incidents of Parliamentary government. It was, however, for the benefit of the services that they should be professionally represented—the one by a soldier, and the other by a sailor, as regarded the business in the House; and he must say also that the knowledge acquired by the professional Member of the naval or military Department thus necessarily present in the House of Commons would assist the Government in framing measures of improvement that would be much more likely to give satisfaction than they would be if devised in ignorance of such opinions.

EARL GREY: My Lords, it is not my intention to oppose the second reading of this Bill; but I cannot refrain from saying that in my opinion the Bill will not accomplish the reform that is required. I have been for many years impressed with the necessity of an adequate reform; and before the Crimean War I called your Lordships' attention to what I considered would be the necessary consequence of the bad system then existing. In a very short time my predictions were far more than realized. Unfortunately an attempt was made to remedy the evil which appeared to me then, and which appears to me still more now, to be so ill-considered and so imperfect that it would scarcely diminish, even if it did not in some respects aggravate, the evil. I expressed this opinion of the measure at the time, and the result has verified it. It is impossible for anybody to consider the actual working of the War Department without seeing that it justifies the description attributed by a noble Friend behind me to a very high authority—that it is a chaos. The more you consider it, the more convinced you must be that the measure was founded on no clear and distinct principle. You have not attempted to create a Department for the management of your Army upon any one given system. The original mistake, as I think, was in determining to create another Secretary of State. In my opinion, there was no occasion to do that. And the effect of creating a Secretary of State for War, while the Navy is under an entirely different system, is to create an extreme anomaly. Let me remind your Lordships what is required from the Departments which are charged with the management both of the Army and Navy. Their duty is so to administer each Department, and so to expend the money granted by Parliament for maintaining the Army and the Navy, that there may always be an efficient naval or military force, to be applied to such purposes as the Government may from time to time require. Before the creation of a Secretary of State for War the different Secretaries of State, representing their several Departments, signified the Queen's pleasure to the naval or military authorities for such and such services. Formerly, if there were disturbances in the manufacturing districts the Secretary of State for the Home Department used to signify the pleasure of the Crown to the military authorities to send troops to the spot or take any measure which might be thought proper for meeting these disturbances. Again, if disturbances occurred in a seaport, owing to discontent among the Mercantile Marine, the Secretary of State signified to the authorities at the Admiralty the Queen's pleasure that a ship of war should be sent down to the port in question. But since you have created a new Secretary of State the system is entirely altered, and you have this great anomaly—that now the Secretaries of State still continue to signify the pleasure of the Crown to the Admiralty with reference to the employment of the naval force, but with respect to the Army, there being another Secretary of State, this cannot be done, for one Secretary of State cannot signify the pleasure of the Crown to another Secretary of State. There is this further inconvenience in the system you have introduced—that while making a sweeping change in the administration of the Army you have not effected that which is at the bottom of all real improvement—such an alteration in the relations between the civil and military persons at the head of the Army as to create the same concentration of authority which exists in the Navy. You have not provided that there shall be a Minister with complete power over the Army as over the Navy, and at the same time with that professional advice and assistance which he ought to be able to command. But I am not going to take this opportunity of discussing the difficult question of what should be the constitution of the Army Department. My only object in rising was to say that, while I am not prepared to make any objection to this Bill, I must lament that Her Majesty's Government have not gone more deeply into the question; that they have not endeavoured to put an end to the chaos which I firmly believe still exists, and will continue to exist until the subject is looked at in a larger way; and that we have a measure brought before us so insignificant in its effects as this is likely to be. I will only add that I shall be very glad if my noble Friend who has charge of this Bill will explain one point which seems to me somewhat difficult to understand. If your Lordships will refer to the Bill, you will see that by Sections 2 and 3 the Secretary of State is empowered to appoint two Parliamentary officers, one the Surveyor General of the Ordnance, and the other the Financial Secretary of the War Office. But there is this remarkable difference between the two officers—by the manner in which the Act is drawn, the Surveyor General vacates his seat on appointment, and must go to his constituents for re-election, but the Financial Secretary does not. Why is this? I want an explanation. Surely it is remarkable that of these officers, being officers of the same description and appointed by the same authority—the Secretary of State—one, if he accepts an appointment under the Crown, not being already in Office, vacates his seat, while the other is to sit on just as though he had not received any appointment. I can easily guess how this has arisen. It has arisen because an anomaly exists at present. By mere accident, owing to a technical construction of the law, ever since an Act passed soon after the Revolution, which regulated the number of persons holding certain offices who could sit in the House of Commons, it has been held that those officials who were not appointed directly by the Crown, but by some other authothority, need not be re-elected on appointment. Therefore the Under Secretaries of State and the Secretaries to the Treasury and the Admiralty have never vacated their seats; but, on the other hand, because technically and formally they were appointed by the Crown and not by the heads of the Departments in which they served, the Junior Lords of the Admiralty and Treasury, though holding offices inferior to the others in importance, do vacate their seats upon appointment. That was an anomaly which arose quite accidentally, and which I was very anxious you should correct at the time of the passing of the last Reform Bill, and I moved with that view an Amendment which your Lordships did not think fit to adopt. Now, I quite understand that your Lordships might think it expedient to continue an anomaly already existing; for you might say—"It has been always so, and we will not disturb the arrangement by which an Under Secretary of State does not vacate his seat, while a Junior Lord of the Treasury must do so." But why are you not content with leaving an existing anomaly, and why do you create a new one? In this case both the officers are appointed in the same manner and by the same person—namely, the Secretary of State; and that one should vacate his seat in the House of Commons on taking Office, while the other does not, seems a most irrational arrangement.

LORD NORTHBROOK, in reply, said, he regretted that the noble Earl who had just sat down was not satisfied with the provisions of the Bill, because the opinions of the noble Earl were entitled to great weight, not only from the Offices he had held, but from the great attention he had paid to all questions of Army administration. He was somewhat surprised also, seeing that, excepting as to the person who was to take the Queen's pleasure and convey it to the Executive in certain cases, the Bill carried out very much the opinions expressed by the noble Earl himself, in 1860, before the Committee on Army Organization. The noble Earl then recommended a very similar plan to that contained in the Bill—namely, that there should be one responsible Minister, and that under him there should be several high officers, responsible to him for the different branches of administration, some of them, at any rate, being Members of Parliament. As to taking the Queen's pleasure, the illustrious Duke on the cross Benches would confirm him in the statement that there was no difficulty in that respect under the present system. With regard to the question whether the Surveyor General should vacate his seat on appointment, there was a great deal to be said upon the anomaly which had been pointed out; but in framing this Bill the precedents had been strictly followed, for the Surveyor Generalship of the Ordnance was an office under the Crown, the acceptance of which vacated the seat, and, if there was an anomaly, it extended, not only to these two officers, but to others. As to the remarks of the noble Lords who had preceded him in Office, he thanked them for the general concurrence they had expressed in the measures proposed by the Bill. They knew by experience how difficult it was to deal satisfactorily with the subject, and he had no doubt they would make allowance for any imperfections which might be found in the plan proposed. With respect to the observations which had been made by the noble Earl (the Earl of Longford) and the noble Viscount opposite (Viscount Hardinge), as to the general policy of the Government, in reference to Army administration—that was to say, to the reduction in the number of troops in the Colonies and in the *cadres* of the regiments—it would perhaps be more convenient that he should not enter into an explanation of that policy on the present occasion, beyond observing that he entirely demurred from the description which had been given by the noble Earl (the Earl of Longford) of the strength of our Army. The Army in England, on the contrary, was now stronger than it had been for a series of years, and he would be prepared, on another occasion, if the noble Earl chose to raise a discussion on the question, to give the fullest explanations in his power as to the steps which had been taken by the Secretary of State with regard to the constitution of a Reserve force and other matters connected with the organization of the Army since the accession to Office of the present Government. There was, he might say, another remark which fell from the noble Earl, to which he wished to advert. It related to a point in which the noble Earl, notwithstanding all his knowledge of military affairs, was in error. He said that, on looking through the *Army List*, he observed the names of certain officers in Italics, whose services, he thought, were to be dispensed with without any compensation. Now that was entirely a mistake. So far from dispensing with the services of any officers, owing to the proposals received from India, the Government had taken care to place no officer on half-pay, notwithstanding the reductions which they had in consequence deemed it to be their duty to make. Instead of being a proof of harshness on the part of the Secretary of State, therefore, in dealing with the officers of the Army in effecting the reductions which he was compelled to carry out, the very point referred to by the noble Earl tended to show that the interests of those who had already entered Her Majesty's service have received at the hands of the Secretary of State for War the fullest consideration. He might add, in reply to the observations which had been made by the noble Viscount (Viscount Hardinge), that the recommendation of Lord Strathnairn's Committee, with respect to the division of the branches connected with Supply and Ordnance Stores had been to a great extent carried out. The matter was rather one of a technical character, but he could assure the noble Viscount that the Government were alive to the great advantage of employing an officer specially qualified to manage the business relating to Ordnance stores. As to the remarks which had been made by the noble Viscount, and also by the noble Duke opposite (the Duke of Richmond), objecting to the proposal that the Surveyor General of Ordnance should be able to sit in Parliament, he hoped the noble Duke would not act upon the suggestion which he had made and move the omission of the clause. Surely there was little force in the argument that because a man, fitted for the performance of the duties of that Office, might not always be found in the House of Commons, the services of such a man with a seat in that House were never to be secured? The duty of the Secretary of State was to select the best man for the discharge of those duties, and if he was a Member of the House of Commons so much the better. The Secretary of State would, in that event, have the advantage of his assistance in giving explanations with respect to the administration of a Department with which he had a practical acquaintance; and the noble Viscount was one of the last persons who ought to object to such an arrangement, for if his view had been formerly acted upon such a man as his illustrious father, Sir Henry Hardinge, would have been excluded from holding that Office, the duties of which he had for so many years performed in the House of Commons with so much advantage to the country. What was required was more military experience and assistance in that House in connection with the War Department, and he hoped the noble Duke would yield to the opinion of one of his own Colleagues, Sir John Pakington, who had been Secretary of State for War and supported the Bill on that ground, as well as to the views of the late Lord Herbert, than whom no man was better qualified to form a sound judgment on the question. The noble Duke opposite, he might add, had asked him whether the business of the Home Office was not as great, as far as details were concerned, as that of the War Department. Now, he had had the honour of serving in both those Departments, and he had no hesitation in saying that there was no comparison as to matters of detail between the business in both. The Home Office business was of a character which was well understood by many country gentlemen, and which could be easily mastered by men who had received a legal education. Army details, on the contrary, extended over a mass of technical matter of great complication and difficulty, with which it was not easy to become thoroughly conversant. As to the responsibility of the Secretary of State for the answers which might be given to Questions by the subordinate officers appointed under the Bill, he would merely remark that the Secretary of State would be responsible as now for the business of his Department, just as the Chancellor of the Exchequer was for the business of his Department, although the Secretary of the Treasury was the exponent of a great amount of that business. He would observe, in conclusion, that the Bill, if passed, would entail no additional expenditure on the public; and in reply to the observation that while the Army was reduced the War Office would remain the same, he had to state that his right hon. Friend at the head of the Department hoped to lay before long on the Table of the other House an Estimate of the cost of the War administration of the coming year, which would show a reduction which he believed would be satisfactory to the public, who were anxiously looking for some diminution of expenditure in the establishment of that Department.

The Earl of LONGFORD said, his noble Friend had misunderstood him. He had not said that the services of the officers to whose case he had referred would be dispensed with without consideration. What he had stated was that they were under "notice to quit," and although persons under notice to quit were not always turned out, they were liable to be turned out.

Lord NORTHBROOK replied, that that was not the case.

Lord DE ROS expressed his surprise at the statement of the noble Lord that our Army was never stronger than at the present moment. The reduction of several hundred of the subaltern officers of regiments was in itself a great injury to the efficiency of the Army. A want of sufficient subalterns to supply, on the spot, the casualties of the field, would one day be found a serious difficulty. It had been found so during the late war, at the close of which troops and companies were frequently commanded by cornets and ensigns. Another very unfortunate result of the reduction was that a whole generation of young gentlemen were now debarred from entering the Army. Only the other day he met a friend of his who said—"My son was brought up in the expectation that the ordinary number of young officers would be added to the Army at the usual time, but there is a dead-lock, and a considerable number of young gentlemen who have been brought up carefully and at great expense by their parents or guardians with a view to their entering the service are entirely cut off from it and obliged to look out for some other occupation." He thought this was a very important and serious matter, and could by no means receive his noble Friend's declaration, that the recent reductions had left the Army unimpaired in strength and efficiency.

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

SEQUESTRATION BILL [H.L.]

A Bill to abolish Sequestrations for Debt, and to provide a more effectual remedy for securing payment of the Debts of Beneficed Clerks—Was *presented* by The Lord Bishop of Winchester; read 1^a. (No. 81.)

House adjourned at Seven o'clock,
to Thursday next, half past
Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 3rd *May*, 1870.

MINUTES.] — Select Committee — Corrupt Practices, *nominated.*

Public Bills—*Ordered—First Reading*—Benefit Building Societies * [116].

Committee—Report—Oyster and Mussel Fisheries Supplemental (No. 2)* [100]; Attorneys' and Solicitors' Remuneration * [6].

ARMY—COLONELS OF THE INDIAN ARMY—QUESTION.

Major ANSON said, he would beg to ask the Secretary of State for War, What he proposes doing in order to remedy the present supersession of the British Colonels by the Colonels of the Indian Army?

MR. CARDWELL: In answer, Sir, to my hon. and gallant Friend, I have to state that his Royal Highness the Field-Marshal Commanding-in-Chief, the Duke of Argyll, and I have had many consultations on this very complicated question, and have determined upon the course to be recommended for the sanction of the Queen. In a few days I will communicate the particulars to the House.

NATIONAL EDUCATION.—QUESTION.

MR. LIDDELL said, he wished to ask the Vice President of the Council, Whether, in view of a largely extended system of National Education, the Government are taking, or are prepared to take any and, if so, what steps for increasing the present staff of teachers, either by additional training in normal schools, or by otherwise recruiting the teaching power of the Country?

MR. W. E. FORSTER: My answer, Sir, to the hon. Gentleman's Question must be the same I gave to an almost precisely similar Question of the noble Lord (Viscount Sandon), the Member for Liverpool, some weeks ago—that is, that upon the Education Bill becoming law it will be the duty of the Government immediately to reconsider the conditions on which grants are made for training schools, and also the conditions on which certificates to masters are at present given. These two points cover the Question of my hon. Friend. I may add, that I am glad to find that the number of pupils in training colleges have increased in the last year; I believe they are still increasing, and the present training schools would, if full, furnish a feeding force for more than 25,000 schools.

MR. LIDDELL said, he wished to know when the Reports of the Inspectors of Schools for last year would be in the hands of Members?

MR. W. E. FORSTER said, he could not say exactly; but would take care that they were produced as soon as possible.

THE MASSACRE IN GREECE.

QUESTION.

SIR JAMES ELPHINSTONE said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether the withdrawal of the usual force hitherto maintained in Greek Waters, viz., a Line-of-battle Ship or heavy Frigate at the Piræus, and two Sloops on the coast, is in consequence of representations from the Foreign Office to the Admiralty that the safety of British subjects and the protection of British interests in Greece can be ensured without a naval force; what steps Her Majesty's Government intend to take in consequence of the late murders; and, whether they intend to press upon the Government of that Kingdom the necessity of making an adequate provision for Mrs. Lloyd, the widow of one of the murdered men?

MR. OTWAY: Sir, in reply to the Question of the hon. Baronet, I have to state that no communications have been addressed to the Board of Admiralty by the Foreign Office recommending the withdrawal of the usual force hitherto maintained in Greek waters. The hon. Baronet states that that force consists of a line-of-battle ship or heavy frigate at the Piræus and two sloops on the coast; but I am authorized, by my right hon. Friend the First Lord of the Admiralty, to state that the Admiralty standing orders do not prescribe any particular force for the Greek waters; that the disposition of the Mediterranean Squadron is entirely at the discretion of the Commander-in-Chief in that sea, and his discretion has been exercised to the satisfaction of the Board of Admiralty, as it has likewise been to the Foreign Office. I may inform the House, however, that my noble Friend the Secretary of State for Foreign Affairs, having been informed that the squadron under Sir Alexander Milne was about to proceed to the Piræus at the time of the recent massacre of our countrymen in Greece, requested that orders might be sent to stop its arrival, as he did not consider it proper, under the deplorable circumstances which have occurred, that a British fleet should receive the hospitality of the Greek Government. The hon. Baronet asks what steps Her Majesty's Government intend to take in consequence of the late murders? Sir, that question seems to me premature. Every despatch which we have received has been immediately communicated to the Members of this House, and they will be aware, therefore, that our information is not yet complete. With regard to the unfortunate lady, Mrs. Lloyd, we have reason to expect that a suitable provision will be made for her present wants, and for the future maintenance of herself and child by the Greek Government.

ARMY—CANTEENS IN BARRACKS.

QUESTION.

MR. STEPHEN CAVE: I wish, Sir, before putting the Question of which I have given Notice, to say a few words as to the circumstances which gave rise to it. The circumstances are these—The local Inspector of Middlesex had inspected the canteens at Hampton and Hounslow for 18 years, and had instituted proceedings from time to time, under 5 & 6 *Will.* IV., c. 63, from which convictions for unjust weights and measures had resulted. In August last the Inspector was ordered out of the barracks by the adjutant and a sergeant under instructions from the War Office. He summoned those officers, and the Middlesex magistrates fined them both, under section 76 of the Mutiny Act. There have been similar occurrences elsewhere. So that the arrangement between the War Office and the Home Office, mentioned on Thursday last by the Home Secretary, seems founded on a misconception of the law, and a conflict of authorities has arisen which, among other inconveniences, has much embarrassed the Standards Commission, as a member of which I venture to put the Question which I have placed on the Notice Paper,—to ask the Secretary of State for War, with reference to the reply of the Home Secretary on Thursday last, Whether instructions have been issued from the War Office to the effect that local Inspectors of Weights and Measures are to be excluded from canteens in barracks; and, if so, on what provision of Law such instructions are founded?

MR. CARDWELL: Sir, the Law Officers of the Crown have advised us that the canteens are not within the Act. We are desirous to have the assistance of the local Inspectors whenever the magistrates are willing to afford it, and have consequently asked the Home Secretary to request that they will inspect the canteens and direct the Report to be sent to us.

DIPLOMATIC PENSIONS.—QUESTION.

MR. BARNETT said, he wished to ask the Under Secretary of State for Foreign Affairs, To whom application ought to be made for the payment of Diplomatic Pensions now due, in consequence of the abolition of agencies in the Foreign Office, where it appears no information can be obtained on the subject in answer to inquiries that have been made?

MR. OTWAY: The agencies in the Foreign Office will not be abolished till the 30th of November. After that time, as, indeed, at present, pensioners may obtain their pensions at the Pay Office by means of a power of attorney given to a banker, or any other person they choose, as hitherto; some, at least, of them have obtained them from the same source by means of a power of attorney given to their agents in the Foreign Office. The pensions of Foreign Ministers have not been heretofore, and will not be hereafter, issued from the Foreign Office, but paid at the Paymaster General's Office to the holders of powers of attorney.

MR. BARNETT: Will it be regular, for the present, to apply to the agents who have hitherto paid these pensions?

MR. OTWAY: Up to the abolition of the agency system on the 30th November next the regulations hitherto made are in force.

FRANCE—COMMERCIAL TREATY.

MOTION FOR A SELECT COMMITTEE.

MR. BIRLEY rose to move—

> "That a Select Committee be appointed to inquire into the operation of the Commercial Treaty with France in all branches of trade which it affects."

He asked for the indulgence of the House as one unpractised in debate, and regretted that the Motion had not been undertaken by one more competent than himself. He had confidence in the justice of the cause which he advocated. It was not a very complicated case; but before he entered upon it he wished to disclaim any intention of attacking the French Treaty, and he made that disclaimer because, since he put his Motion on the Paper at the close of last Session, it had been repeatedly stated that his intention was to attack and denounce the Commercial Treaty with France. His object to-day was precisely what it was 10 years ago, when he was summoned to Paris to give evidence before the Imperial Commissioners. That object was to obtain the best possible terms for the admission of the manufactures of this country into France. He was convinced that if the Committee were appointed, it would be shown that the general rate of tariff charges was too high to carry out the spirit and the intention of the Treaty; that the mode of levying the duties was objectionable in several instances; and that there were many blots and difficulties upon the general tariff itself, which ought to be remedied and removed. In support of this assertion he would read a few extracts from the resolutions of various Chambers of Commerce. The Bradford Chamber of Commerce, at a special meeting last January, adopted memorials to the Foreign Office and to the Board of Trade, showing that in their worsted trade the Treaty had been more favourable to France than to England, and pointing out the necessity for a thorough revision of the tariff and a reduction of the duties charged in France. At a meeting of the Associated Chambers of Commerce in Birmingham it was moved by a Member of this House and carried unanimously—

> "That the Government be asked to favour an inquiry into the working and results of the French Treaty of Commerce, with a view to a further reduction on various articles at present paying a high rate of duty. The French Treaty, while it had operated advantageously to many branches of manufacture, had been most prejudicial to others. The tariff in many cases had operated most injuriously. The subject was one calling for a Government inquiry."

It was probably known that the Associated Chambers of Commerce formed an influential body, representing the trade of almost all the important towns in the country. The Manchester Chamber of Commerce, too, in their annual report in January last, with reference to what they styled the Anglo-French Treaty, said—

> "The directors have recently had under consideration several communications which have been addressed to the Chamber on the French Treaty. This subject came under discussion in connection with a communication received on the action of the French Government, and impending opposition to the French Treaty under the Committee of Inquiry appointed in France by the State Government. The opinion of the directors on the operation of the Treaty was expressed in the following resolution:—'That this Chamber confirms its resolution passed on the 6th of January, 1869, in reference to the French Treaty, and believes that any inquiry into the working of the Treaty will confirm the proof of its beneficial operation, and lead to a further extension of Free Trade principles, to the greater benefit of both nations.'"

This might lead to the presumption that the Chamber was indifferent on the subject; but a sub-committee of the Chamber appointed to consider the matter had recently spoken in a very different tone. The committee reported that—

> "The high tariff fixed by the Treaty appears uncalled for, seeing that the cost of production of a large proportion of the cotton fabrics is about the same in France as in England. Even at the high prices which ruled during the American War the duty imposed on English goods amounted to from 8 to 10 per cent, but with a fall in prices the rate rose from 20 to 30 per cent, and the trade was consequently very much restricted, and is now insignificant. . . It is a matter of question whether the abolition of all duties would afford opportunity for the export of any but the heavier and cheaper fabrics; but we assuredly cannot hope to export them to any considerable extent, with more than a merely nominal duty. The complicated application of the tariff is highly objectionable, and, in our opinion, if the tariff is to be beneficial to French commerce, it should not in any case exceed a merely nominal rate, and should be applied on the *ad valorem* principle."

The Committee ended by stating that—

> "The general result of the French Treaty has doubtless been, as we are convinced all Free Trade measures must be, beneficial to the interests of both nations; but we are equally assured that its present provisions neither have afforded, nor are likely to afford, opportunity for the favourable export of our cotton manufactures to France."

Possibly, he would be expected to quote figures in support of these conclusions; but much discredit had been thrown upon our import and export Returns of late, and it was certain that unless such Returns were carefully analyzed they would tend rather to mislead than inform. The point was touched upon by the Report of the Committee from which he had quoted, to the effect that the figures in the Board of Trade Returns showing an increase in the export of cotton goods since 1860 included goods and raw cotton *in transitu*. No Return was made of goods sent to France for home consumption. From the debates in the French Chamber there seemed almost as much reason to doubt the accuracy of the French Returns. He did not blame the Board of Trade for the inaccuracy; the system was bad, and until corrected would continue to produce inaccurate

Returns. He would not trouble the House with repetitions of statements made to him by private manufacturers actively engaged in the trade with France; but he observed that he found no difference of opinion on the subject among those in the trade who had given attention to the subject; and that it was evident we were not doing the trade in manufactured goods with France which was contemplated under the Treaty, a result which had naturally been followed by disappointment. Another reason of less magnitude for an inquiry was the fact that the Treaty had lasted its 10 years, and that traders with France were now mere tenants-at-will. The Manchester Chamber of Commerce had long since regarded this period as the proper time for the revision of the Treaty. Another reason for demanding a Committee of Inquiry was the fact that a very strong and wide-spread feeling existed among the operative classes that the Treaty was working injuriously to their interests. However beneficial it might be to the moneyed circle, to the trading class as distinct from the manufacturing class, and to the commercial and shipping interests, it had not given any additional employment to the workpeople of this country, but had had rather the opposite effect. He certainly thought it important that the facts relating to this branch of the question should be investigated, and if upon inquiry it were found that the complaints so generally made had any foundation some mitigation should be found for the evil. It had often been urged, and might be urged again, that though the Treaty might not, perhaps, effect all that we desired, and that though it might not have resulted in so great a reduction of duty as we might wish, still it was for the Government and the people of France to decide what duties they would impose within the limits by which they had bound themselves. Well, if that were the case, he would ask what was the meaning of the Treaty? What was the negotiation of the Treaty for? Was it not because we might by argument satisfy the nations with whom we were dealing that we had a good cause—that although the duties imposed might be within the letter, they were not within the spirit of the Treaty? And if they could show that, and thus have good grounds to appeal to France, he could not suppose for one moment that it was the intention of the French Government to keep the word of promise to the ear and break it to the hope. Moreover, he would remind the House that one clause in the Treaty afforded a very fair opportunity for opening the question. It said—

> "The high contracting parties reserve to themselves the right of introducing into the Treaty any modifications not opposed to its spirit and principle, and the utility of which shall have been shown by experience."

Having, too, now arrived at the end of the term, and France having instituted an inquiry into the operation of the Treaty, and a French statesman of eminence having recognized in the Chambers the probability of a modification being introduced, it appeared to him that the time was come when a careful and public inquiry should be made, with a view to ascertain what was our real position, and to obtain, if possible, better terms from the French Government. In common with every Member of that House, he deeply deplored the absence of the President of the Board of Trade, because no man was more competent to throw light upon the discussion. To the Motion with which he should conclude he believed that the right hon. Gentleman would not have been unfavourable; because in June of last year, when this question, though in a different form, was under discussion, the right hon. Gentleman used the following words:—

> "Although, at this period of the Session, it would not be desirable to have an inquiry at all, still, if any advantage were expected from it, I would recommend that it be not confined to the silk trade, but should be on some broader basis. I think, however, it would be better to postpone it until the beginning of next Session, when there would be time to consider the question properly as affecting the whole of the interests touched by the Treaty. . . . I sympathize with the condition of the silk weavers; and if, next year, sufficient cause for inquiry shall be shown, the Government will readily grant it.—[3 *Hansard*, cxcvii. 345-6.]

Last Session he (Mr. Birley) had the honour of accompanying a deputation from the plate-glass manufacturers to the President of the Board of Trade, and the members who formed that deputation showed that, while their productions were entirely excluded by the operation of the tariff from the markets of France, they had also to encounter a formidable competition in England by the importation of similar plate glass from France. The President of the Board of Trade on that occasion did not appear to controvert those assertions, and expressed not only his sympathy with those manufacturers, but his desire also to obtain for them, if possible, more favourable terms from the French Government. In fact, he urged the deputation to persevere, a word which those who were interested in this subject would do well to take as their motto. He held in his hand a memorial from the Chamber of Commerce at Huddersfield, addressed last year to the First Lord of the Treasury, not directly upon the question of the French Treaty, but upon the question of the Treaty with China. In that memorial, however, they said—

> "That during late years the export also of some descriptions of British goods to the Continent of Europe has perceptibly diminished, owing to the increase of manufactories in different parts thereof, fitted up in many instances with the most improved English machinery, directed in its working by skilled hands from England, and assisted by the free export also of British coal. From all which it has resulted, that instead of being purchasers of English woollen goods in any quantities, different countries of Europe have become large buyers of wool in the English markets for the manufacture of similar goods on the Continent, with some of which, owing to the cheaper labour of the Continent, those foreign manufacturers can undersell English producers, not only on the Continent, but also in the United Kingdom."

Should we go back to the times—the good old times, as they were occasionally called — when we exported our wool to Flanders and received it back in the shape of broadcloth? But it would be difficult to convince the men of Yorkshire or Lancashire that it was the same thing in a politico-economical point of view to pay for the goods obtained from the Continent in the wool of Australia or America, or in the broadcloth of Yorkshire or the calicoes of Lancashire. He had now to thank the House for the attention which they had given to him. He simply asked for a public, fair, and full inquiry, leaving with entire confidence to the wisdom of the Government and the Legislature the question of what should be done when the results had been ascertained. The interests of the country were very much involved in its manufactures. The hon. Gentleman concluded by moving his Motion.

Motion made, and Question proposed,

> "That a Select Committee be appointed to inquire into the operation of the Commercial Treaty with France in all branches of trade which it affects."—(*Mr. Birley.*)

Mr. Birley

MR. STAVELEY HILL moved, as an Amendment, that the Select Committee do inquire—

> "As to the effect upon our Commerce and Manufactures of our present Treaty arrangements with Foreign Countries."

He said that his Amendment was simply an extension of the Motion, and if the House granted the Committee, as he hoped it would, he should be able to show that the area of their labours must be extended to the limits specified in his Amendment. The French Treaty must be taken as the basis or exemplar of our Commercial Treaties with Belgium, with Prussia, with Greece, with the Hanse Towns, Mexico, Portugal, and Austria; and if they found upon investigation that that one was defective, any arguments which applied to the one would also apply to the others. They were all based upon the model of the French Treaty, and ought to be all included within the scope of the inquiry. The first thing, of course, was to show that the effect of these Treaties had been not only to cause dissatisfaction, but actual injury to the commerce and the manufactures of this country. When, last year, he had asked for an inquiry upon this subject he had limited that demand to an inquiry into the results of the Treaty upon the silk trade; but from what he had since learnt he believed that there was no trade existing in England which could be said to have benefited at present by the Treaty. No such benefit could be discovered from the present condition of the labouring classes of this country. while from 1859, with the exception of a single year, pauperism had been steadily on the increase, and between £7,000,000 and £8,000,000 were now annually raised for the relief of the poor. The President of the Board of Trade—whose absence he also deplored—himself had taken notice of this great increase of pauperism since the conclusion of the French Treaty, for in a communication which he addressed to the electors of Sutherlandshire in 1865 he said—

> "It may be remembered that when emigration is rapidly on the increase there is some extraordinary pressure on the population at home."

The Emigration Returns showed that the number of persons forsaking their native land increased rapidly as the pressure of distress became more severe. In proof of that he would remark that, while from 1838 to 1843 there was an annual emigration of 80,842, any hon. Gentleman who looked at the Returns of this year would find that the very bone and sinew of our labouring population were leaving our shores, and from that he might learn the state of the labouring classes at the present time. But if any doubt should be raised as to the want of employment, the answer might be found in the Petitions which he and others had laid upon the Table, one from Halifax having over 2,000 signatures, another to day from Manchester with over 5,000, and one from Leicestershire signed by very nearly 2,000 persons, all complaining, in the words of one of the Petitions he had presented to-day, "of the grievous scarcity of employment." The second question that arose was, to what was this failure in the demand for labour due? In the discussions and correspondence that had been carried on upon the matter, the prevailing distress had been attributed to different causes by different persons. It had been stated by one very prominently, that in the cotton trade, it was owing to the deficiency of the raw material. But, if it were owing to a deficiency of the raw material, we must first of all have used all the raw material that came to our shores. But in 1869 there was re-exported from England one-third of the whole of the raw material, or some 322,500,000lb. of raw cotton, thus clearly showing that the distress in the trade was not owing to any deficiency in the raw material. Then it was alleged that the distress was owing to the dissipated habits of the labouring classes. It was something new to learn that, though dissipated habits were causes of poverty, they were the result of want of employment. It was pretty clear that where drunkenness, dissipation, and great prodigality existed, they were the result rather of prosperous times than of times of distress. Then the distress was said to be the effect of trades unions, which raised wages, and thus added to the cost of production. But it was scarcely fair to trades unions to say that they were the cause. Trades unions had faults of their own; but when the question of trades unions was before the Commissioners appointed to inquire into the subject, a large majority, some of whom were not very favourably disposed to those bodies, found that the badness of trade was not at all to be attributed to them. They found that the two things co-existed, but they could not put both together as cause and effect. Was it not the truth that trades unions were rather the result of a decline of trade than the cause of it? To what, then, was the failure in the demand for labour to be attributed? After a close and careful examination to which he had devoted almost all his time since he had been elected for the city which he had the honour to represent, he could not but attribute it to two things, both the result of this Treaty system. One of them was the impossibility of securing for our goods entry and sale at foreign ports under the present hostile tariffs, and the other was the great abundance and sale of foreign manufactured goods in this country. He would ask the House to consider these two questions, and first as to the exclusion of English goods from foreign ports. And here he would remark that neither when he last made a Motion on this subject within the House nor out of it, had he said one word about protective duties, or sought to place those duties, in the sense in which the phrase was properly used, on any goods coming to our shores, and least of all upon the raw material, which he would have free as the air or the light of the sun of heaven. But there were other points upon which this question might be discussed. Were the duties levied in foreign ports sufficient to exclude our goods? It would be in the recollection of the House that the effect of the French Treaty was that, whereas we were bound to admit all manufactured goods practically free of duty, France might charge a duty on our goods entering her ports of from 3 to 30 per cent. Now, when the Treaty of 1860 was first made matters stood in this way—The French were ready with a great quantity of silks and goods of Paris, as they were called, to throw into the English ports; and England, on the other hand, was very far advanced in machinery and in the manufacture of cotton goods, so that we could produce these goods far more cheaply than France and France could produce silk goods more cheaply than we. When the Treaty was passed in 1860 our silk trade tumbled to pieces, and then, in spite of the 15 or 20 per cent duty, there began a great export of cotton, woollen, and linen goods into France. That export mounted up in 1863 and 1864, until in 1866 it reached its maximum. But the ships which took out these cotton, linen, and woollen goods took out machinery also, which in time superseded our trade. In 1866 the exportation of cotton goods to France amounted to some 56,343,000 yards, and in 1867 it dropped down to 41,000,000, in 1868 to 38,000,000. He had not the figures for 1869 sufficiently accurate, but they were considerably less than in 1868. So with our linen goods. The decrease between 1866 and 1868 was about 30 per cent, while that of woollen goods in the same time was 75 per cent. He thought it would be clear, from those figures, that the branches of manufacture in which we had excelled the French at the time of the passing of the Treaty had, by means of our own machinery, entirely passed away from us; and if the present Treaty was to be continued in its present terms our cotton, woollen, and linen goods would be practically excluded from France, from Prussia, and other countries with which we had these treaties. The glass trade had been already alluded to by his hon. Friend. He had received the other day a letter from Mr. Swinburne, manager of the Tyne Plate-glass Works, in South Shields, and he said the duty enjoined by the Treaty had totally precluded the sale of English plate glass in France, and although some errors in the Treaty had been rectified, they could never obtain any alteration in their case, although the present import duty was clearly decided upon in the absence of adequate information. With this firm there was no question of hostility whatever to the French Treaty. One-third of the plate glass used in England was supplied by France and Belgium, whilst none of the plate glass manufactured by this country was exported to these countries. He would only give another illustration of this kind by referring to the paper trade. It so happened that there was not sufficient allusion to it in the Treaty. It had been wished to keep rags, of which paper was made, in France, and to raise the price of the manufactured article in England, and an export duty was put upon rags, which amounted to $\frac{3}{4}$*d.* per lb. on paper; while against that the French sent us their own manufactured paper, on which there was no duty at all. So that while we were obliged to import their rags subject to a tax equal to $\frac{3}{4}$*d.* per lb. on paper, we had to import their paper free from any such charge whatever. In regard to the five trades he had mentioned, then, there was a tariff virtually prohibitory of our carrying on business with France and sending those articles into France. He would not trouble the House with any argument in reference to the balance of exports and imports. [*A laugh.*] In saying that, he was not at all shirking any point bearing on his views; but he might state that during the last 12 years the balance of imports over exports had been, as between England and foreign countries, £700,000,000. Taking it that there was 50 per cent of wages in the cost of every work, it would be for the House to judge how far there was not a pretty clear proof, in the magnitude of the figures itself, that there must be a considerable amount which went into the wage of the foreign labourer and was deducted from the wage of the English labourer. In regard to the question of Commercial Treaties generally, Mr. Cobden himself looked upon that particular Treaty only as a lesser evil, and as a limited advance in the direction of free trade; and on the 28th of February last the Prime Minister also spoke as if he regarded Commercial Treaties with no great favour. Another most eminent authority, Mr. Huskisson, referring to that *magnum opus* of all such treaties—the Commercial Treaty with Portugal—said, he was of opinion that in all Treaties of Commerce the great object should be to establish complete reciprocity between the two nations who were parties to it; and after describing them as a confused and complicated machinery, he went on to add that—

> "If the time has arrived when we are receiving no equivalent consideration for what we are giving, it is time that the Treaty was put an end to."

That, he maintained, was a strong authority in favour of the course he was now asking the House to adopt. Mr. M'Culloch also held that it was an abuse and perversion to make Commercial Treaties instruments for regulating duties or prescribing Custom House regulations; that in such matters one nation ought not to be shackled by engagements with others; and, further, that "all really beneficial Commercial Treaties are bottomed on a fair principle of reciprocity." He asked whether that last remark would apply to the present French Treaty. When the whole of our Chambers of Commerce met last autumn at Birmingham they came to an unanimous resolution that it was the duty of that House to have an inquiry into the present operation of the French Treaty. That also was the view taken by the Vice President of the Education Board when he spoke in answer to a question put to him on the subject; and it was, in effect, likewise the view expressed by the President of the Board of Trade himself last June, who then told him to place his Motion on a broad basis and bring it on early in the Session, when the House might grant a Committee. Well, he had now complied, as far as he was able, with that advice, and he asked the Government, in the absence of the right hon. Gentleman (Mr. Bright) to accede to the appointment of a Committee. It might be asked, supposing that inquiry was gone into and the Treaty swept away, did he think foreign countries would admit our goods; and, if they refused to admit them, what course ought we to take? He answered boldly that if other countries would not admit our goods except under certain duties—if we found that our trade could not go on as it was—if that were the finding of the Committee, then retaliation against such countries would be neither against precedent nor against common sense. When the Government of the Netherlands, in 1821, proposed that in 1823 there should be a premium of 10 per cent on all Dutch vessels bringing goods, and Prussia followed that example, what course did Mr. Huskisson pursue? He moved that this House resolve itself into a Committee to consider the expediency of authorizing His Majesty, by Order in Council, to regulate the duties on the importation of foreign merchandise according to the duties on British merchandise imported into foreign countries; to continue restriction where another Power declined to act on a system of reciprocity; and to impose a duty on vessels belonging to another Power in retaliation for a similar duty imposed by that other Power. Mr. Ricardo, Mr. Ellice, and other authorities supported that view; and one eminent speaker said the country was indebted to the then President of the Board of Trade for his enlightened opinions. In his *Principles of Political Economy*, Mr. John Stuart Mill said that—

> "A country must not be expected to renounce its taxing power unless foreigners will, in return, practise the same forbearance. The only way in which a country can save itself from being a loser by the revenue duties imposed by other countries on its goods is to impose corresponding revenue duties upon theirs."

These high authorities all favoured the suggestions to which he had referred. Whether the French Treaty continued to exist or was swept away, they could scarcely have more prohibitory duties than they had at present. If the labouring classes were wrong on this subject, why not convince them by inquiry? They believed their labour was superseded by the quantity of cheap goods imported into this country. He did not wish to say anything against free trade; he was merely opposing what had been described as "a one-eyed free trade," and urging that this Treaty was a restriction. What was the position of the English as compared with the French labourer? The former was placed under a heavy system of taxation. The Imperial and local taxation of this country amounted to £3 6*s.* 8*d.* a head; while, according to M. Thiers, the taxation on French workmen was only 50f. or 60f.—from £2 10*s.* to £2 18*s.*—and that on the Swiss workmen was only 15f. Again, certain of our sanitary laws and the Factories Act imposed additional burdens on the productive power of this country, so that the English labourer entered into the competition heavily handicapped. The fact was that, by admitting foreign goods without any revenue duty, we practically admitted them in contraband of the English tax-gatherer, and to some extent in defiance of English sanitary laws. The English labourer must feel this heavily, because the cost of the country fell eventually on the labourer. That cost was exceptionally heavy, and he could not see the justice of allowing the consumer to buy foreign goods here in contraband of the taxes which were levied on the English working classes. If the Treaty to which he had been alluding were swept away, circumstances might arise in which fiscal duties could be levied on imported manufactures. The words he had just used were as nearly as possible a repetition of what had been said by the Prime Minister on a recent occasion. [Mr.

GLADSTONE: Oh, no; nothing of the kind.] He had understood the right hon. Gentleman to make such a statement. The objection might be urged that to tax goods imported from abroad and not to tax agricultural produce so imported would be to protect one trade against another. The importation of agricultural products had not had the effect of damaging the agricultural interest at home, and he thought that the amenities of agricultural life would prevent any objection being made on that ground to a revenue duty on foreign manufactures. Foreign manufactures sent their surplus goods to the English market. If 80 per cent of a particular class of goods were sold in Paris during the winter season the remaining 20 per cent was, perhaps, sent over here. Our home trade might be made bankrupt by a system of that kind, if no revenue duty were imposed to equalize the competition. The House would remember that when a duty of 4*d.* a pair was taken off foreign gloves the effect was to increase the price of kid gloves in this country by 6*d.* or 8*d.* a pair. The amount remitted in duty all went into the pockets of foreigners. At present we imported one-third of our plate glass from Belgium and France. It was said that English plate glass was sold abroad 10 or 12 per cent cheaper than in this country. If this were so, the cause was a matter well worthy of inquiry. It would be argued, as an objection to a revenue duty on foreign goods, that it would fall on the consumer in this country; but, generally speaking, the consumers and the producers were the same persons. It was well said by a French authority that when we spoke of the consumers and the producers we were putting forward two persons who hardly had a separate existence. He contended that a duty upon the importation of foreign goods was not a breach of free trade. M. Bastiat advocated a duty of 5 per cent on objects of necessity, of 10 per cent on articles of utility, and of 15 per cent on luxuries. According to the Board of Trade Returns, the value of the manufactured goods imported into this country in 1868 was £26,000,000; but there was good reason for believing that it was nearer £100,000,000; and, if so, it was evident that a duty upon the same, by restoring the balance between the English labourer and his foreign competitor, would enable the former to enjoy not merely the removal of half the sugar duty, but even a "free breakfast table." He would, in conclusion, refer to a passage in *The New York Times*, in order to show what was thought of the crisis in this country on the other side of the Atlantic. That journal, commenting upon a letter of the President of the Board of Trade, said—

> "Mr. Bright is not of the despairing sort, and consequently he deals with the crisis in a white heat of rage. He has ordered the Protectionists to stand aside, and he has labelled them knaves, with a mental reservation, we trust, in favour of the Republican party here. There is evidently work in store for the Liberal party in England, of which they little dream. The working classes hold the balance of power. Suppose they elect a Protectionist Parliament a few years hence. They could do it, and if their condition does not improve, there is no guarantee that they will not."

He trusted that in asking for this Committee, he had not said anything that was distasteful to the House. He had not endeavoured to force upon the House any views of his own, nor had he retaliated for the strong language used to himself when M. Bastiat had reflected on him by saying that he (Mr. S. Hill) had travelled up and down the country for the purpose of agitating the minds of the people on this question. In conclusion, he would entreat the House to grant the inquiry that was asked for. He asked for this on account of the state of poverty which existed and because our best labourers had emigrated. Taxation pressed very heavily upon the poorer classes, and if this Committee were refused the belief in the inequality of taxation would be confirmed. He entreated the Government to consider this state of circumstances. He had witnessed an amount of poverty among the lower classes which made his heart bleed, and he believed that much of this misery was owing to the unjust system of taxation. If a Committee were appointed it might set this question at rest; whereas if the inquiry were refused a belief would prevail that the claims and wants of the few had not been properly attended to, and that Parliament had neglected an opportunity to promote the benefit of those who had been plunged in a state of severe suffering.

Amendment proposed,

To leave out from the word "inquire" to the end of the Question, in order to add the words "as to the effect upon our Commerce and Manu-

factures of our present Treaty arrangements with Foreign Countries,"—(*Mr. Staveley Hill,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir THOMAS BAZLEY said, that the opinions which had been stated by his hon. Colleague and the hon. and learned Member for Coventry (Mr. Staveley Hill) did not sustain the object which they had in view. He saw no adequate reason whatever for carrying their views into effect, and he had looked in vain for some authoritative statement as to the general depression of trade which was alleged to exist at the present time. As regarded the cotton trade, in proportion as the supply of cotton was increased labour was better employed; and he was glad to know that there had been such a degree of revival in the trade. Nor was the improvement confined to the cotton trade. A recent number of *The Coventry Times*, referring to the state of trade, gave an encouraging account of the revival of several branches of trade carried on there. It said—

> "The ribbon weaving is pretty good. The watch trade is also good. The Machinists' Company are busy, especially in the velocipede department. The embossing trade is about the same. At the Leigh Mills business is slack, it being between the seasons. The rug trade is good. Trimmings are in demand. Matters are pretty well in the elastic trade."

Trade throughout the whole country was at present in a very much improved condition, and he thought that the Budget of the Chancellor of the Exchequer was calculated to foster and develop the improvement which was observable. He thought the plans then developed were likely to increase the enjoyment of the country at large. He was glad that the two hon. Members who had addressed the House had not assailed the great principles of free trade, for the hon. Member for Manchester (Mr. Birley) had said that there was no "substantial" difference between them on this head, and he (Sir Thomas Bazley) was therefore at a loss to know for what particular reason the hon. Member was urging the appointment of a Committee. Reference was constantly made to the difference of amount between the exports and imports, and when there was an excess apparently against us it was used as an argument that this country was impoverished. But that was a fallacious mode of argument. Instead of confining their attention to the trade with France, they might have extended their view to the United States, and they would then have found that in 1868 this country exported £24,000,000 value of manufactures to America, and received in return imports to the value of £43,000,000, being an excess, in favour of America, of £19,000,000. The British Colonies took from us £54,000,000, and sent us £67,000,000, being an excess of £13,000,000. Egypt took from us only £6,000,000, and sent us £17,500,000, being a difference of £11,500,000. France took £23,000,000, and sent back £33,000,000, being an excess of £10,000,000. In point of fact, France stood sixth on the list, although it was the first selected for attack. The people at home were enriched not by what they sent away, but by what they brought back; and the imports aided in spreading comfort and enjoyment among the population. The merchants who sent their goods from this country took care that they got a satisfactory equivalent for them. Surely these figures showed that the labour of the country was not being displaced to any alarming extent; while, on the other hand, if there was any offender it must be Great Britain, who was inundating the world with her manufactures, while she was not receiving in return such quantities of manufactured goods as threatened to deprive the labouring classes of the country of the means of employment and subsistence. They had the means of competing with every other country on the face of the earth, because they possessed a combination of elements for the production of comforts to their population which were unequalled by any other country. They had, also, a well-disposed and an industrious people who were unsurpassed; and it was only just to the manufacturing interest to say that the rate of wages in this country was in excess of that of all other manufacturing countries in the world, all things taken into account, America not excepted. The rate of wages here at this moment practically exceeded the nominally high rate of wages in America. They had nothing to do but to continue this career of prosperity. From 1860 to the present time England had encountered fearful difficulties—first, in the cotton trade being deprived of its supply of the raw material; and, next, in the prevalence of the mania to speculate in joint-stock companies, which had together involved this country in a loss of £200,000,000, including the losses on winding up bankrupt concerns. There were now no great engagements pressing upon the nation, nor any financial difficulties which could not be overcome—and if only sufficient raw material of every kind could be secured to afford employment to the working classes, and this country had free trade with the rest of the world, Great Britain would enjoy greater prosperity than she had ever done in the past. It must, however, be recollected that foreign competition was making its way, and to meet it there would be required considerable efforts on the part of manufacturers and great skill on the part of artizans. He hoped that the House would not feel alarmed at the state of our trade either with France or with any other country, for at the present time food was at a reasonable price, taxation was being reduced, and the means of employment were increasing. The hon. and learned Member for Coventry (Mr. Staveley Hill) was mistaken in supposing that the labouring classes were more highly taxed in Great Britain than in any other country; on the contrary, they were essentially less taxed than many Continental nations, and very much less than the people of the United States. He thought they had nothing to fear but the phantoms which they conjured up to themselves. Let them open the gates freely to importation, and let trade be fully developed, and then, as Sir Robert Peel said, the consumers of this country will derive an advantage which the consumers of no other country can possess. They had legislated for the consumer. Let them continue that policy, and then they might maintain the superiority which they still had. He hoped there was a great future in store, as well for those who were now unfortunately under the special jurisdiction of the President of the Poor Law Board, as for those who, though more fortunate, were not enjoying that amount of comfort which all would desire to be generally spread throughout the labouring classes. There was nothing to cause alarm in the present state of the country. Happily, Government intended to afford the means of national education for the people, and with increased intelligence he looked for the social amelioration which would be produced by those means of extended education which all desired to promote, as the people would thereby be taught that it was their interest to be faithful servants and good co-operators with their employers who wished to maintain the prosperity of the country. Let them produce their manufactures at rates as reasonable as possible; let them produce articles as good as possible in all respects; and, above all, let them attach the working people to us by the conviction that the advantage of one class was the advantage of the other, and then they might look for lasting good to accrue to the trading interests of the country.

Mr. LIDDELL said, he had heard with regret, and, indeed, with alarm, some of the observations which had been made by the hon. and learned Member for Coventry (Mr. Staveley Hill.) He (Mr. Liddell) could not travel with the hon. and learned Gentleman to the other side of the Atlantic, but would confine his attention to the other side of the Channel, and to the possible effect of this debate upon the French mind, because that was a matter which ought to be within the consideration of the House. He would not enter into any defence of the French Treaty on commercial grounds further than to say that it was hardly fair to make the condition of the labouring classes of this country an element in the argument, because they had just emerged from a period of commercial depression which had been unprecedented in extent and duration. The House had been assured that this state of things was passed, and that the country was now entering upon a period of renewed prosperity, and he could confirm that statement, for there had been called before the Committee of which he had quite recently been a member many representatives of the large Lancashire towns, all of whom entertained those sanguine expectations which had been expressed by the hon. Member for Manchester (Sir Thomas Bazley.) But unless the House was careful, this debate might produce an impression on the French mind that would be undesirable, recollecting the difficulties which the negotiators of the Treaty experienced owing to the hostility of the French Protectionists. He thought very much credit was due to M. Chevallier—

whose friendship he (Mr. Liddell) had the honour to enjoy—for the successful manner in which he had promoted increased intercourse between the two nations, and nothing ought to be done to weaken the hands of such men as M. Chevallier, M. Dufour, and others. It was very curious and instructive to watch the progress of opinion in France upon this subject. The Treaty began in hostility on the part of the French manufacturing interest; but had that hostility undergone no change? The producing districts in the South of France were in favour of maintaining the Treaty; and this year a similar feeling had been exhibited in the great manufacturing districts of the North, which was a surprise to France itself. Now ought we to strengthen or to weaken that feeling? He was afraid that if this Committee were granted, it would give great encouragement to those in France who were hostile to free trade, and proportionately weaken the hands of those who were advocates of the great cause of free trade. There could be no doubt that this was an attack upon the French Treaty, disguise it as they might, because the Motion had the effect of throwing doubts upon its success; and the only grounds that were urged in favour of granting inquiry were based upon what he did not like to call the ignorance of some of the working classes as to the effect of the Treaty. It might be wise to grant the inquiry, if only to convince the working classes of the very erroneous ideas they entertained. He had read with some regret the speeches occasionally addressed to them, based as they were on very fallacious arguments, not likely to instruct their minds or remove the errors which prevailed among them. No good could result from the appointment of the Committee. He regretted to hear the word "retaliation" used by his hon. and learned Friend, while the Government were engaged in trying to induce France not to go back but to go forward in the direction of free trade; it was a word which he thought would be received with some degree of apprehension in that country. It was used with reference to those countries who refused to admit our goods into their ports. He had not always been a Free Trader, but had become so by conviction; and he believed that such a policy was a loss to the country that adopted it, and that it was really little concern of ours. His hon. and learned Friend had said, with reference to the agricultural class in this country, that corn would always command a sufficient price. Now, he did not think that his hon. and learned Friend had mixed very largely with the agricultural class, or that he had been moving among the best instructed commercial classes. If his hon. and learned Friend consulted the agricultural class, he would find that they were by no means satisfied with the present prices; but they had no desire to go back in the commercial policy which had lately been adopted. His hon. and learned Friend had placed considerable reliance on the complaints of the manufacturers of plate glass on the River Tyne—that their plate glass was kept out by the high duties of Belgium and France. He (Mr. Liddell) was not in a position to answer this; but if his hon. and learned Friend went to the banks of the Tyne, he would find very little sympathy in favour of this inquiry. He would find that the French Treaty had produced great benefits in that part of the country; and, as representing their interests, he would be no party to throw either doubt or difficulty in the way of that Treaty. He apologized to the House for having intruded on a commercial discussion of this kind; but he must say that, in his opinion, the French Commercial Treaty was important in its political bearing, and perhaps even more so than in its commercial bearing, important as this was, and he should deeply regret if the smallest doubt were thrown by the House of Commons upon the success of that Treaty. He believed no step which this country ever took had been attended with larger and more advantageous political results than this Treaty with France. It had formed, ever since it was framed, a bond of union between the two nations. The feeling of sympathy between them was growing stronger every day; and they might depend upon it that two great nations, which had been rivals up to a recent period, could be bound by no stronger ties than those of mutual interest.

MR. SHAW-LEFEVRE said, no one could regret the absence of his right hon. Friend the President of the Board of Trade more than he did on the present occasion. He would have spoken on this subject in a manner to carry weight and conviction to the minds of hon. Members of those whom they represented. He would venture, in his absence, to make a few observations. He had great difficulty in following the hon. and learned Member for Coventry (Mr. Staveley Hill), who attacked the policy of Commercial Treaties in general, and asserted doctrines which were totally inconsistent with the ordinary notions of political economy. The hon. Member for Manchester (Mr. Birley) had dealt with the subject in terms of great moderation. He said that he did not attack the French Treaty, and he studiously avoided making statements like those that the hon. and learned Member for Coventry had indulged in. He said, indeed, that in many instances the French tariff was too high. In reference to the Motion, he (Mr. Shaw Lefevre) could only say that any inquiry was unnecessary, as there was nothing that they were not already sufficiently informed upon in the matter. Anyone who took the trouble to look into the French tariff and the Treaty between the two countries would see at once where the duties levied in France were too high. He quite admitted that in many cases the duties were too high; but, in other respects, no doubt the Treaty had been a great success. If any representations could be made by the Government which would induce the French Government to reduce them they would undoubtedly be made. But there had grown up in France an agitation against the Treaty, and at that moment there was an inquiry into the matter being carried on before the Legislature. A Committee of Inquiry had been appointed to receive evidence, and it had been arranged that representatives from the cotton trade should go over to France with the view of giving evidence before it. Under these circumstances, he did not think that the House would consider that the present moment was a favourable one for instituting an inquiry on our part. It would certainly indicate a want of confidence in the merits of the French Treaty which would be exceedingly unfortunate at the present moment. This was not the proper occasion for the Government to make representations to the French Government; but if a proper occasion did occur, he had not the least doubt that the Government would avail themselves of it. The speech of the hon. and learned Member for Coventry was replete with extravagant doctrines about trade in general, and it was exceedingly difficult to argue with one having so little in common. The hon. and learned Gentleman said that last year the President of the Board of Trade promised to grant this inquiry; but that was only in the event of sufficient cause being shown. It seemed, however, that there was less cause shown this year than last for inquiry. The hon. and learned Member had alluded to the general distress which he said existed, and attributed it to the French Treaty. He (Mr. Shaw-Lefevre) was not prepared to deny that during last year there was considerable distress in the manufacturing districts, and the year was a very disastrous one to manufacturers—to masters rather than workmen, yet this could not now be said to be the case. His hon. Friend the Member for Manchester (Sir Thomas Bazley) had stated what was the present condition of trade, and the Board of Trade had received accounts from all quarters to the same effect. The disasters of the last few years were not in any way traceable to the French Treaty, or any of those subsidiary treaties which had followed it. The Board of Trade had received no complaints during the last few years from any branch of industry, except one complaining of the competition of French manufactures; for although the plate-glass trade and paper trade had made complaints that the duties were still too high, even they had not complained that there was suffering in this country in consequence of competition with France. He believed that there had been considerable importations from France of these articles; but no trade but the silk thought that they suffered from this competition. It must be admitted that this trade has suffered greatly during the last few years. But the hon. and learned Member for Coventry would no doubt admit that even before 1860, when there was a protective duty of from 18 to 20 per cent, the trade was always in a precarious condition. Mr. Huskisson, in 1824, pointed out that this trade was an exceptional one. Unfortunately, this trade had not been able to stand competition with France; but there were other causes, besides the abolition of protective duties, to account for the present state of things. There was no doubt that the American War had produced great hardship in this trade. French goods, which would otherwise have found their way to the American market, came to this country during the blockade and the period of distress following the war, and flooded the market. This fact, together with changes in fashions, would account for much of the distress in the silk trade. How was it proposed to remedy this? Did the hon. and learned Member think that the House would again put on a protective duty? He said that something should be done in the interest of other trades; but did the woollen or cotton manufacturers wish that there should be a duty on French silks? He had no reason to believe that any such demand had ever been made. They knew how perfectly foolish it would be again to commence a war of tariffs. The hon. and learned Member who had addressed the House referred to the old fallacy of balance of trade. To have to refute an argument based on that fallacy was like having to prove the *Pons Asinorum* of Euclid. He had always understood that the very essence of trade was the exchange of equivalents, and that there could not be an import trade without an equivalent export, though the two operations need not necessarily be with the same persons or the same countries. Although the trade Returns might show an excess of imports differently, it should be borne in mind that on one side the returns included freight, &c., whilst on the other they did not. This would account for their showing great difference in value between exports and imports. This, however, did not show that the French Treaty had been a bad bargain for us. The Treaty had never been intended as a bargain in the ordinary sense of the term, and the two countries never balanced equivalents one against the other. Upon this subject he quoted the First Lord of the Treasury, who, in 1860, said—

> "We have been told that this Treaty is a bargain; that we have asked for equivalents, and that we have not got them. Sir, I deny that this Treaty has ever been a bargain; for it is of the essence of a bargain that you give away something which it would be of value to you to retain, and that you receive something which it is important to the other party to keep. This is a reciprocal instrument, if you like, but a bargain it is not, for you are giving nothing to France that is not a gift to yourself, and you are receiving nothing from France except measures by which France confers a benefit upon herself. . . . . . We have never attempted the impossible task of constructing such a system of equivalents. . . . . . We knew quite well that, if there were any means of obstructing the progress of free trade, it was by entering upon these negotiations in the spirit of bargain."—[3 *Hansard*, clvii. 314-15.]

He had been unable to find any speech of Mr. Cobden upon this point. He believed he had never addressed this House on the subject of the French Treaty; but he was surprised to hear the hon. and learned Member assert that Mr. Cobden was opposed to Commercial Treaties. What he was opposed to was Commercial Treaties in the old sense of the term—treaties based on reciprocity, such as the Methuen Treaty with Portugal or the Treaty with France, which Mr. Pitt concluded in 1787; but to say that he was opposed to treaties like that of 1860 was a monstrous proposition. Mr. Cobden wrote upon this point, on the 20th of March, 1861, to the Liverpool Chamber of Commerce, as follows:—

> "The arrangement lately entered into is not, in its old and exclusive sense, a Commercial Treaty, but a simultaneous movement on the part of the two countries in the direction of the general freedom of trade."

The hon. and learned Member for Coventry had very properly included in his Motion the treaties affecting other countries besides France. To properly estimate the result of the French Treaty, it was necessary to consider the effects of other treaties made by this country after 1860. He need hardly point out that France, immediately on the conclusion of the Treaty of 1860, went to the other principal States of Europe and offered to conclude treaties with them on the same terms as had been granted to England; she succeeded in the case of Belgium, Holland, Prussia, Switzerland, and Italy, and we also concluded treaties with most of those Powers, but upon somewhat less favourable terms, because we had at once given to all the world what we gave to France, and were ready to offer the most Favoured Nation Clause to any who choose to treat with us. Previous to 1860 it seemed as if a wall had been built round all European States with a view to exclude trade; where most trade would have been looked for there was found the least; the exports to France amounted to £4,500,000, and to the other principal European Powers £23,000,000, which was not more than our trade with the United States and India. The effect of the Treaty had been to double our trade with the principal European Powers, for it was now £46,000,000 instead of £23,000,000, whilst our trade with the United States had not increased, and with India had increased but little. Our imports from the same States had increased from £37,000,000 to £77,000,000, and, to his mind, imports were as valuable in the way of trade as exports. If the imports exceeded the exports with one particular country, there must be an equivalent with other countries. Reference had been made to the inaccuracy of the Board of Trade Returns. There was no doubt much that could be improved in them; they did not show as well as could be desired the trade for the month; but when year was compared with year, or period with period, they could very fairly be relied on. He had compared the year 1868 with the year 1859, and found a considerable increase in the latter year. During the last 10 years the main increase in our trade had been with those countries with which we had made treaties. In 1859, of our exports manufactured articles formed 82 per cent, whilst, in 1868, it was 83 per cent; and, as to our imports in 1858, manufactured articles formed 6 per cent of the whole, whilst, in 1868, they were 9 per cent, an increase mainly due to the silk manufactures of France. Now, there was nothing alarming in this, even in the sense in which the hon. and learned Member for Coventry looked at such matters. In estimating the effect of the Treaty it was necessary to consider also the result to our shipping. Our entrances and clearances between this country and the Treaty Powers had increased, within the last 10 years, from 7,000,000 tons to 12,000,000, and of the 5,000,000 increase no less than 4,000,000 was credited to British shipping. He contended, therefore, that the Treaty of 1860 was, in reality, the key to the modern commercial policy of this country. It might not have produced the effect which hon. Members might desire; our exports might not in some cases be as great as was expected; but, on the other hand, trade had been created where no trade previously existed. In cotton and linen the increase in our exports had been very considerable, while our woollen exports to France, which, in 1859, amounted to £4,494, had, in 1868, increased to £1,742,000. With such increases as this in our exports, it was impossible to say with justice that the Treaty had not benefited a single trade. The influence, too, of this Treaty on the general good feeling of the peoples of both countries was very great. That was a matter which was of the greatest importance, and ought not to be forgotten. It would be recollected that many hon. Members of this House, and noble Lords of the other House, had opposed the negotiations of the French Treaty, on the ground that it would be likely to create great prejudice and ill-will instead of good feeling amongst the inhabitants of both countries. On looking back to the time when the Treaty was first proposed, many of the speeches then made would appear, judging by what had subsequently occurred, to be perfectly incredible. Experience had proved the groundlessness of the fears then expressed, for nothing had contributed more to benefit the relations of the two countries than the Treaty of 1860; and, in conclusion, he could only say that, in his opinion, the man who took any step to repeal the Treaty would be an enemy to his country. He could only, therefore, hope that no attempt would be made to abrogate it; but that it would be allowed to remain as an imperishable monument to the wisdom and foresight of those by whom it was framed.

Mr. STEPHEN CAVE could see no reason why the proposed inquiry should not be made, though he could not anticipate any great increase in our store of information as the result. Still something might be gained by giving those who thought themselves aggrieved in these matters an opportunity of laying their case before the country, and expressing their opinion on the details of our commercial policy. He did not agree with the fear expressed by some speakers that such an inquiry would have a bad effect in France—indeed, he thought the contrary would be the result. In fact, a precedent for such an inquiry might be found in the course pursued by our neighbours, though, no doubt, the cases were not entirely parallel. In France the free trade principle was on its trial. Opinions were almost evenly balanced in that country on that subject; but he presumed it was not going too far to say that in England free trade was almost universally accepted. But it must not be forgotten, as had been frequently remarked, that a Commercial Treaty was not free trade; that it was, indeed, in some instances an obstacle and hindrance to the freedom of trade; notwithstanding what had been said of the intention of the promoters, it could only be regarded as a bargain; and as the only perfect bargain was one which was based upon perfect reciprocity, the complaints which were raised by those whose interests had been more or less overlooked or sacrificed were perfectly justifiable; and it was no answer to them to say that they had, with all other classes, shared in the general benefit, nor was it sufficient to repeat the time-honoured axiom that the consumer paid the duty; because, though that was as a general proposition undoubtedly true, yet there could be no doubt that he became thereby a more sparing consumer, or possibly ceased to be a consumer altogether. Now in the negotiation with France in 1860 he had always believed, and believed still, that we were too eager, and that pressure of time and exigencies of party politics obliged our negotiators in some cases to give way more than they would otherwise have done. He had great doubts about the advantage of Commercial Treaties in general. Like the old Fisheries Convention, and the recent Convention on the subject of sugar duties and drawbacks, they were sometimes founded on principles and ideas which turned out to be erroneous; and the party upon which they pressed most hardly—as in the case of France, as to the latter, and England as to the former—postponed or evaded a loyal compliance with them, and much recrimination and discontent were the result. It was true that such treaties were justifiable when made with countries where commercial policy was imperfectly understood, because they gave trade that stability which was so essential to it, and preserved it from those violent fluctuations in duties and regulations which were often the work of corrupt or incapable Governments. With regard to the French Treaty of 1860, there were provisions, such as that with reference to coal, which he never liked, and, as he had already said, as a bargain he thought we got the worst of it; but as a political measure, as an engine placed in the hands of the Emperor to insert the thin end of the wedge of free trade into the Protectionist policy of the trading classes of France, he would not be fair, or just, or reasonable, if he did not admit that it was a great and wise measure, productive of enormous benefit to the commercial and social relations of both countries. Therefore, when he submitted that it might be worth while trying to induce France now to correct some of the inequalities of the arrangement of 1860, he wished to guard himself, before all things, from the risk of being regarded as an advocate of Protection in any shape. And he marvelled at those agriculturists who, having been denuded of the last rag of Protection, and having smarted year after year under the taunts of the Free Traders, were now found among the supporters of those manufacturers, who, after a lapse of 25 years, were crying out for Protection for themselves and free trade with everyone else. Free trade was the normal condition of mankind. If duties were not required for purposes of Revenue—if all States were in the happy condition of Lippe Detmold, where the revenue of the Crown lands defrayed, or did defray—for he supposed it was now absorbed by all-devouring Prussia—the whole expenses of the Government—if all States were so fortunately situated, no one would, he imagined, in these days dream of imposing Customs duties at all. If, therefore, these were only defensible for Revenue purposes, all Customs duties which were not balanced by a countervailing Excise duty were manifestly unsound, and for this reason, that the Exchequer only received the import duty on the foreign article, whereas the difference between the true price and protected price of the home-made article, which was equally a duty paid by the consumer, went, not to the Government, but to the producer. Did not agriculturists see that they ought not to be called upon to pay that tax, and that they could not afford to pay it? They were entirely unprotected, and were exposed to increasing competition from every quarter. They had to compete with the meat and wool of Australia, with the live stock of Europe, and even of South America; with the corn of America, the Danube, and Russia—though the latter was, indeed, crippled, and would probably be so to a greater degree in future by the emancipation of her serfs, who, like the negroes, appeared to be using their freedom by abstaining from working for hire. In the recent debate in the French Legislative Chamber, one speaker objected to free trade because it gave, he said, a premium to those who worked too many hours in the day—who overworked themselves. This was a somewhat curious objection, but it contained a great truth. To put it in another way, it amounted to this—that in the markets of the world, which under a system of free trade would be open to all and regulate all, industry and frugality would carry the day; and so they ought. Why should he, for instance, pay ten guineas for a coat to enable his tailor to keep his brougham and his moor, when another man who did not aspire to these luxuries would make one for five? When, in former days, the refugee Flemings and Huguenots came over here and made us a nation of shopkeepers, before a complete amalgamation took place, there were often heard the same cries of protection to native industry, because the superior industry and greater frugality of the immigrants forced down the prices of commodities. During the long Continental wars, and before the development of transoceanic countries, the English carried everything before them; but now that the industrial energies of the Continent had been diverted to the arts of peace, and metals and minerals had been generally discovered, the high wages and expensive habits of English artizans were beginning to weight us heavily in the race. That English manufacturers enjoyed a period of great prosperity was proved by their purchase of large estates in every county in England. Their workpeople, by means of trades unions, endeavoured to obtain a larger share of their prosperity. He was not going into this much vexed question further than to say that he was by no means one who saw unmixed evil in trades unions, or even strikes; but he thought there was little doubt that many of the regulations of trades unions had had the effect of increasing the price of our manufactures, and, therefore, not only of excluding them in some instances from foreign markets, but of inviting the importation to this country of manufactured articles instead of the raw material. He remembered hearing it made a reproach to the builders of, he believed, St. Thomas's Hospital, that the woodwork was imported from Switzerland. But why not import woodwork as well as corn, hay, leather, boots, and shoes? The trades unions felt that this must be the result, and had endeavoured to extend their operations to foreign countries, and to bring about a general rise of wages. This was a perfectly legitimate attempt, but he doubted its wisdom or success. He could not help thinking that a far more advantageous result would be brought about by a proportional cheapening of all articles of consumption. A self-contained country, like the Highland proprietor who boasted he made everything on his estate, would get most things dear and bad. When free trade was universally adopted all exotic productions, and all manufactures which could only be carried on wastefully and extravagantly, at the expense of the consumer, would cease. Everything would be made or grown where it could be made or grown in the best and cheapest manner. There would then be no need of Commercial Treaties; but trade would be left to find its natural channels and most congenial soils.

Mr. PLATT said, the real object of the hon. Member's Motion was evidently to revive Protection—retaliation being another name for reciprocity. But how would the hon. Member carry out his principle? This country drew large supplies from America, which imposed taxes upon our manufactured articles; to carry out a system of retaliation towards America it would be necessary to weight heavily the produce which was obtained from that country, and so to destroy the manufactures of Lancashire. There was, unhappily, much poverty in the country at present; but in the days before free trade there had been an amount of distress and pauperism much greater in proportion to the population than that which now existed. During the last 50 years peace had generally prevailed; and, as a natural consequence, arts and commerce had greatly progressed, not alone in this country, but in very many of the Continental nations as well. And the question which we had now to ask ourselves was, whether we could prevent foreign countries from manufacturing? He maintained, unhesitatingly, that the position of this country was not a disadvantageous one.

After all the calculations capable of being made as to foreign countries, the manufactures of this country enjoyed an advantage of fully 15 per cent over the manufactures of those of the most favoured country in Europe. It might be asked how it was that, with all these advantages, woollen fabrics were imported from Belgium? The truth was, that every country enjoyed some little advantage, arising from better knowledge or better manipulation; and in woollen manufactures Belgium undoubtedly was very much in advance of this country. Then as to wages. These were undoubtedly higher in England than in any other country; but, on the other hand, the work produced was more valuable. So that, measuring the amount of work produced with the amount of wages earned, England was absolutely the cheapest country as regarded the cost of production. In illustration of what he had just said, as to the advantages enjoyed by one country over another in some special knowledge or skill in manipulation, he might mention that in Rochdale a woollen manufacturer was absolutely bringing over persons from Belgium to instruct our people in the manipulation of wool. As to machinery, there was some special excellence in the products of nearly every country. We were indebted to France for one of the most beautiful machines in the cotton manufacture, and to Belgium and America for other machines: with regard to some things we might learn from them, as to others they might learn from us; and the question which arose was, which country ultimately would be in the best position to command the neutral markets of the world? Our exports had increased largely of late, which showed conclusively that the English race was capable of competing with the rest of the world; and the figures which had been quoted by the senior hon. Member for Manchester (Sir Thomas Bazley), and by the Secretary of the Board of Trade, proved that we were advancing rapidly in all branches of manufacture. The observation of the English factory worker, quoted by the hon. and learned Member for Coventry (Mr. Staveley Hill), that he could make everything that was imported, and that, therefore, he was being robbed by the importation that was going on, might be retorted by the foreigner with twenty-fold force. The present state of things in America showed that it was impossible to adopt Protectionist principles without increasing the cost of the article produced, and thereby confining the consumption of such manufactures to the country producing them. To adopt such a line of policy, therefore, would be suicidal on the part of a small country like England, whose prosperity was entirely dependent upon freedom of trade, and upon the cheapness of raw materials. The same arguments would apply to trades unions, because the cheaper the manufacturers could get their work done the better for them, and, therefore, the better for the country. He had no doubt that on the present occasion the French Treaty was merely put forward as a stalking-horse to raise the cry of Protection. The hon. Member for Northumberland (Mr. Liddell) had alluded to the idea that was in the mind of Mr. Cobden at the time of the conclusion of the Treaty, and that was that a good feeling would be produced between the two countries. This country would have reduced the protective duties if France had not moved at all; and he thought this country had done right in assisting the French Emperor in the difficult position in which he was placed at the time, and enabling him to bring the Treaty to a conclusion.

Lord JOHN MANNERS said, he thought the thanks of the House were due to the hon. Member who had introduced the Motion (Mr. Birley), and whom he should presume to call the senior Member for Manchester, which had led to a most useful, instructive, and interesting debate, and had elicited the views of hon. Members, sitting on both sides of the House, on this most important question. The speeches of the two Members for Manchester, and of the Secretary for the Board of Trade, could not fail to have a considerable effect out-of-doors. The only thing that surprised him in some of those speeches was the argument by which it was attempted to resist the Motion of the hon. Member. In his opinion, even if the facts and figures which had been quoted on the other side of the House were accurate, it would still be desirable that the proposed inquiry should be instituted. As a representative of an agricultural district, he did not hesitate to say that he should vote in favour of the appointment of the Committee of Inquiry into this question asked for by the hon. Member for Manchester. The hon. Member who had just sat down, speaking, no doubt, with great authority, had given a very *couleur de rose* description of the condition of trade throughout this country. The hon. Member had said that, owing to the system of Protection adopted in the United States, the consumption of their manufactures was confined within their own limits; but the Report of the Birmingham Chamber of Commerce asserted the existence of a state of things exactly the reverse of that described by the hon. Member. The half-yearly Report of that Association, dated the 3rd of February, 1870, contained the following statement with respect to a very important branch of trade :—

> "In Australia a very large proportion of the goods in a hardware store are of American manufacture, but made out of English iron and steel, paying a heavy duty, and manufactured by American workmen, earning fully 75 per cent higher wages, and with the value of money much greater, thus beating us, with charges on the raw material of 50 per cent, and on wages, &c., of fully 100 per cent, in the trades that used to be specially our own. This evidently shows that it is not a question of wages alone which is operating so disadvantageously against this country. It can only, therefore, be attributed to the greater aptitude of many of the foreign workmen and their intelligence, which induces them to seize every opportunity of improving their manufacture by novelty of construction and excellence of make."

["Hear, hear!"] Hon. Members opposite had received that statement with a cheer, doubtless on account of the allusion it contained to the superior education which the American workman received as compared with the English workman. But still the statement effectually disproved the statement of the hon. Member opposite, that the manufactures of America were consumed within her own limits, because she had adopted Protection. He would, with the permission of the House, proceed to refer to the general position assumed by those who opposed the appointment of the Committee, that the trade of this country was in a very prosperous condition. The Secretary to the Board of Trade had admitted that the silk trade was in a very depressed condition, and he even went further, and said that this was owing to French competition and the French Treaty. The hon. Gentleman who had just sat down had also admitted that the woollen manufacturers were now very severely depressed through foreign competition. But, with these two exceptions, it had been said there was very little to complain of or to inquire about, and that the trade of the country was in a prosperous condition. Now, turning to another passage in the Report of the Birmingham Chamber of Commerce, of February, 1870, he found this passage—

> "Belgium and Prussia, and other countries which were importers of hardware and heavy work, &c., meet us as keen competitors in neutral markets. This is the more to be regretted, as ten years ago"—the date of the French Treaty—"we considered that in nearly all such manufactures, with the advantages of our coal-fields and skilled labour, we could defy competition. It is impossible for this country to continue to be the greatest manufacturer if the wages of our artizans are to be very much more, and their hours of labour very much less than those of the workmen in the other countries with which we have to compete, unless our countrymen maintain their lead in skill and intelligence."

He took these statements from among numerous others of a similar kind, and quoted them simply for the purpose of proving that there was something substantial in the complaints which great bodies of our fellow-countrymen were now making, and something deserving attention in their requests for the appointment of a Select Committee of Inquiry. The Secretary to the Board of Trade had admitted, in a very frank manner, that certain parts of the French Treaty were indefensible, and had told the House that the Government were now labouring to get the duties lowered which he regarded as indefensible, and that application had been made to Manchester to send two representatives to Paris to press on the French Government the view which Manchester might take as to the inexpediency and injustice of these particular duties. Now, the first thing that struck him—and it must have struck every Member—was why Manchester was selected and favoured in this respect. If the Treaty was so partial and unjust, why were not representatives to be sent from those particular seats of industry which had suffered, more, perhaps, than Manchester itself, from the extravagant rates of duty sanctioned by the Treaty? That was a question which they ought to have answered. The Secretary to the Board of Trade had told them—and in that he agreed with the hon. Member for Northumberland (Mr. Liddell)—that it would be, in the highest degree, unfortunate that any idea should be allowed to penetrate France that there was a feeling in this country adverse to a renewal of the Treaty. Well, if he were to take that view he should vote unhesitatingly for a Committee of Inquiry; because he was certain that nothing would give the working people, whether of France or England, a greater suspicion of the Treaty than the refusal of inquiry, and he believed it was obviated, as far as France was concerned, by the course which the French Government had pursued. And when his hon. Friend the Member for Northumberland asked what would be the effect on public opinion in France if they granted this inquiry, his answer was—"What would be the effect on public opinion in England if they refused it?" If he was to choose between the two, he preferred infinitely to look at home; and, in his humble opinion, it would be a most unfortunate thing, when the French Government had conceded inquiry in consequence of the representations of the communities and industries which either were, or conceived themselves to be, injuriously affected, that the English Government, and still more the English House of Commons, should turn a deaf ear to a similar request from those communities and industries which in England either were, or believed themselves to be, similarly affected by the operation of the Treaty. A word now as to how the French Government had proceeded with respect to this matter. The Emperor promised inquiry before the system of personal government was abandoned. It was then, it might be said, the act of the Emperor himself. But was there any change in this policy after responsible and constitutional government had been substituted? Not at all; the Government of the Emperor carried out the pledge given before their accession to Office, and not only was the promised inquiry at this moment going on, as he had been told, in France, but, what was most remarkable, the very inquiry which the Government of England refused to the people was actually, at the request of the French Government, going on in England itself. If not in England, he should be very much surprised, for it was going on in Scotland. For what did he find in *The Scotsman* of the 23rd of April? There was the following account of the proceedings of the South of Scotland Chamber of Commerce, Glasgow:—

> "Mr. Stewart, secretary, read a letter from M. Concheles, Consul for France at Glasgow, intimating that the French Legislative Assembly is at present making an inquiry into the results of the commercial and industrial reforms which have taken place in France since 1860, and that it has been found advisable to have points of comparison with foreign industries. Nothing could better enlighten upon the general causes which have influenced during the past years French industries than a conscientious observation of the circumstances in which foreign industries have been placed during the same time. The Consul had, therefore, been directed to make similar inquiries in Scotland to those pursued in France, and he solicited the assistance of the Chamber in obtaining information as to the state of the woollen industry."

The woollen industry, the House had just been told by the hon. Member for Oldham (Mr. Platt), required very great consideration, and here they had the French Government inquiring into the position of that trade at Glasgow, while the English Government were refusing to their own people a similar inquiry. He could not help thinking that an unfortunate position. He would not say one word upon the general question alluded to by some previous speakers. Representing, as he did, an agricultural constituency, he did not think it necessary to say a single word on free trade and Protection. It was sufficient for him to know that considerable bodies of his countrymen believed themselves injuriously affected by the operation of the Treaty, which in itself was admitted to be a very exceptional and abnormal instrument. He did not recollect the phrase made use of by the Prime Minister with regard to it, and which had been quoted by the hon. Gentleman. He believed it was "reciprocal instrument." That was a very remarkable phrase applied to an abnormal thing. The Chancellor of the Exchequer took every opportunity of informing people that, as far as his opinion was concerned, these "reciprocal instruments" were very injurious. The right hon. Gentleman told a deputation, that waited on him the other day, that, though he was against them as a rule, there were exceptional circumstances which made him favourable to this "reciprocal instrument." But assuredly if on all broad and general grounds of policy the Chancellor of the Exchequer was against these "reciprocal instruments," that was another argument—when great bodies of our fellow-countrymen felt themselves injuriously affected by the operation of this particular "reciprocal instrument"—why their request for inquiry should not be rejected in the manner which was now contemplated. For these reasons, and without committing himself to any anticipation as to the result, he held that the circumstances of the time were favourable for acceding to the request of the commercial communities, and he sincerely trusted the House would find itself in a position to grant the inquiry.

Mr. BROCKLEHURST said, that as his constituents felt a deep interest in the matter under discussion, he would trouble the House with a few words on the subject. It appeared from the Census of 1861 that the number of people whom the silk trade of this country employed was 117,000. He mentioned that to show that it was an important branch of the industry of this country. The number was equal to about one-half the number of the people employed in the woollen and worsted manufacture, and one-fifth of those employed in the cotton and linen trade. When the Secretary to the Board of Trade had said that the French Treaty of 1860 had had a very injurious effect upon our silk trade, he might have stated that, previous to 1860, the imports of French silk goods had reached the value of about £750,000 per annum only; but since then they had gone on increasing until in 1865 they had amounted to nearly £8,000,000. He could not agree with the hon. Member for Northumberland (Mr. Liddell) in supposing that inquiry would probably raise a great suspicion on the part of the French nation. He thought that the evidence that would be brought before the Committee would show such a great increase of foreign manufactured goods introduced into this country that the French manufacturers might feel every confidence in reducing the heavy duties at present imposed on some branches of our trade. It might be asked how the English silk manufacturer had not been able to compete with his foreign rival? As a practical man, he might say the reason was the want of technical education on the part of our working classes. As long as our working classes were engaged as mere machines they were unrivalled for industry and steady work; but as soon as they were required to exercise skill, knowledge, and taste, they were left behind in the race by the foreign workman. Take, as an illustration of that, the French silk-dyeing trade. By his superior knowledge the French silk dyer was enabled to increase the weight of the material he dyed as much as 2oz. or 3oz. to the lb. Now, as one ounce of silk was worth from *3s.* to *5s.*, it was evident that the French silk manufacturer was enabled to produce his fabric at much less cost than the English manufacturer could do. It might be said that was an application of technical education in a wrong and not at all creditable direction; but the fact was as he had stated, and it was one reason why the English silk manufacturer was left behind in the race with his French competitor. But in proportion as the weight of French silk was increased by dyeing, so was its wearing quality deteriorated; and, in consequence of that deterioration being discovered, the demand on the part of the consumers of silk goods was now very much for English-made goods. If the proposed inquiry were granted, it would supply them with a knowledge of what the effects of the French Treaty had been during the last five or six years. He could answer for the trade he represented, that rather than return to Protection they would prefer that the silk duties should remain as they are now. What they required was an elementary and, if necessary, a compulsory education, to be followed by a technical education, among the working classes of the country; and, these *desiderata* obtained, he had no fear that our silk manufacturers would soon be able to maintain their position in respect to other nations.

Mr. WHEELHOUSE said, he hoped most sincerely that the Committee now asked for would be granted. The Secretary of the Board of Trade had told them that some of the duties under the Treaty were still too high, and if that was so, there was even on that ground a necessity for an inquiry. But there were other reasons also for such a Committee. We were said to be placed at a disadvantage when compared with foreign countries, and it was eminently desirable that inquiry should be made into the truth of that allegation. Then it had been assumed that the speech of the hon. and learned Member for Coventry (Mr. Staveley Hill) was replete with fallacies; but if they had a Committee of Inquiry, they would be the better enabled to find out what was fallacy and what was fact. If they would not grant such a Committee, the denial would and must carry with it the semblance that there existed something behind that it was desirable to conceal, but which it would be very well to bring to light. The Secretary to the Board of Trade had told them that he feared great ill-will might be aroused in France if they consented to such an inquiry. But they ought to test France by England in such a matter, and a similar Committee which had been sitting recently in France had not created the least ill-will or ill-feeling in this country. But if this Committee was refused, there would be an enormous amount of feeling—prejudice in the opinion of some people possibly — generated throughout the whole of the wage classes of England, which it would be very difficult indeed to suppress. That class had the idea, rightly or wrongly, that its interests were sacrificed to those of our Continental rivals and to the labour market of foreign lands, and perhaps, also, to the interests of our own mercantile classes of the upper ranks. And it was desirable, if for no other reason than that, that the error, if error it really were, should be dissipated. An inquiry ought to be granted, and it should be a very searching inquiry, especially with regard to the requirements of our wage classes, our exports and imports, and the English labour market.

Mr. POLLARD-URQUHART said, he had heard people in France frequently acknowledge that France had derived great benefits from the Cobden Treaty, particularly in regard to the increased exports to England; but they alleged that England had gained still more by it. An exactly analogous tone had been adopted on the subject by many persons in this country; and, no doubt, much misconception existed in regard to the operation of the treaty. If, after the speech of the hon. and learned Member for Coventry (Mr. Staveley Hill), the House acceded to the Motion, such a proceeding would look very much like an intention to separate. The hon. and learned Member quoted Mr. Stuart Mill as an authority in favour of reciprocity; but there was another authority from whose writings quotations against such a system might easily be quoted. Since 1860 our imports from and exports to France had increased in the same proportion—90 per cent. That was an enormous increase, and in all other parts of the world our imports and exports increased about 30 per cent during the same period. In 1860 our imports amounted to £7 7*s.* a head of the population; in 1868 they had increased to £9 14*s.* 6*d.* In the former year our exports were £4 14*s.* 7*d.* per head of the population; in 1868 they amounted to £5 18*s.* 2*d.* Those figures showed not only a greatly augmented trade, but a greatly increased employment of labour. Reference had been made to the great distress among the labouring classes; but the depression in trade had been less severe since Mr. Cobden's Treaty and the days of free trade than it had been at different periods before. In proof of this he might refer to the depression in 1840-1, and that in 1848. The House and the country had heard a good deal about the displacement of labour caused by Mr. Cobden's Treaty; but the increased production much more than counterbalanced any displacement that might have resulted from the measure. We had something to learn in the way of designs. A gentleman who carried on a large business at Coventry, told him that he had been in the habit of bringing over French people to that town to make designs, but after remaining a short time there they lost their taste. With an improvement in technical knowledge our workmen would be able still to compete with those of any other country.

Mr. BOWRING said, it had frequently been stated that those who negotiated the French Treaty on behalf of the English Government were not successful representatives of British interests, and were not able to cope with the diplomatic skill of those who acted on behalf of the French; and that they were in short outwitted by them. Had such a remark been only made when the subject of the French Treaty was under discussion 10 years since, it would have been unnecessary for him to notice it now; but it had been of late frequently repeated by gentlemen of high position, and his right hon. Friend, the Member for North Devon (Sir S. H. Northcote) in a speech delivered at Exeter last winter—a speech which in other respects did him much credit from its thorough free trade character—used the following words in the same sense :—

> "We complain—many people complained at that time and still complain—that the bargain made was not nearly as favourable as it ought to have been and might have been. I do not want to rip up old sores ; but those with whom I usually act were not quite content, I am free to say, with the Treaty at the time : and we still think it is not so favourable as might have been obtained with more care, and in a different spirit."

Now he (Mr. Bowring) wished it to be known that there was no ground whatever for such an impression. When the French Treaty was being negotiated, he was himself connected with the Board of Trade, and in the position which he then occupied it was his duty carefully to scrutinize all the documents which had reference to the Treaty, for the information of the Minister who was at the head of that Department. The Board of Trade received an immense mass of information on the subject to assist them in forming an opinion, and he was able to state that with respect to many articles England succeeded in obtaining all that she required ; in many other cases important concessions were granted by the French Government beyond those originally offered, and as respects the remaining articles, there was not one on which the duty, as then fixed, amounted to the maximum of 30 per cent which the original Treaty gave the French Government a right to impose. Moreover, further important reductions were provided for, to come into operation four years later (or in 1864). And, lastly, under the most Favoured Nation Clause we had obtained all the concessions which had since been made to other countries. The details of the Treaty reflected the highest credit on his lamented Friend Mr. Cobden and those who were associated with him, and it had been beyond all doubt productive of the greatest good to this country. With respect to the general question now before the House, he had no objection to the appointment of a Committee in itself, because he was persuaded that the more the matter was inquired into the more would the benefits conferred by free trade be made manifest. But, at the same time, he could not shut his eyes to the fact that the appointment of such a Committee would be looked upon in many quarters as evidencing that the House had an inclination to question the wisdom, not only of the French Treaty, but of our free trade policy in general, and to regard it as a failure. He objected to the Committee upon that ground, and for the same reason he regretted that last year, in a House of 250 Members, as many as 100 voted in favour of a Motion, analogous to the present one, brought forward by the hon. Member for Coventry. It was quite true that last year the President of the Board of Trade promised that a Committee would be appointed ; but he did so coupled with this condition, that due cause was to be shown of its necessity ; but no cause had been shown in the speeches of the hon. Members for Manchester (Mr. Birley) and Coventry (Mr. Staveley Hill) ; and after what had been said by the hon. and learned Member for Coventry, it would be positively mischievous to grant such a Committee. He (Mr. Bowring) could show by statistics the great benefit which had arisen from the French Treaty in every branch of our trade, whether of import or of export. In 1858, for instance, the value of cotton goods exported to France, was £230,000 ; but in 1868 it was £1,100,000 ; and even with respect to our silk manufactures, in which he admitted there had been a great deal of suffering amongst the workpeople, it had been a beneficial Treaty, our exports to France having increased from £40,000 to £90,000. Our total imports from France had increased in the 10 years from £13,300,000 to £33,900,000 ; our exports of British manufactures to France from £4,800,000 to £10,600,000 ; and our re-exports to France from £4,400,000 to £13,000,000. The hon. Member for Manchester had himself just admitted that the moneyed classes, the merchants, and the trading and shipping classes, had reaped a great advantage from the Treaty. Great stress had been laid upon the argument that the distress among the working classes of England was attributable to the operation of this Treaty. If that were true, they would expect to find proportionate prosperity among the French working classes ; but the same complaints that were made in England were made in France, and there had also been severe distress among the working classes of the United States, who were altogether exempt from the operation of this Treaty. He understood the argument of the hon. and learned Member for Coventry to be that we should endeavour to get France to adopt a simple measure of free trade; but what benefit would it be to the silk producers of Coventry if France admitted the cotton manufactures of Manchester free of duty? And he saw no reason why, even if France refused to give us entire free trade, we should grant to those silk producers the so-called protection which by common consent we refused to grant to the corn-producing classes of this country. The fact was that the silk trade of Coventry was now passing through the stage which other industries had passed through, and was experiencing the natural result of removing the artificial support formerly given to bolstered-up industries. He willingly accepted the disavowal of the hon. Member for Manchester (Mr. Birley) of any intention to seek to reverse the policy of free trade, and he had hoped that the hon. and learned Member for Coventry would have adopted the same tone; but the latter sought to obtain not merely the reversal of the policy of the French Treaty, but a return to Protection—a policy which fortunately obtained little or no support from the Leaders of the Opposition, excepting, perhaps, the noble Lord the Member for North Leicestershire (Lord John Manners) who seemed, from a speech he had made in the country, to continue to cast back longing, lingering looks after the departed ghost of Protection. To show that a return to Protection was advocated by the rank and file of the opposite party, the hon. Member quoted passages from speeches made at a crowded meetings held at Bethnal Green, in February last, under the auspices of the Reciprocity Association, by Messrs. Whittington, Ferdinando, Kydd, and Anderson, strongly condemning free trade, speaking of it as miserable failure, and denouncing its advocates as not merely knaves, but traitors. He would not now seek to argue the question of free trade; but would content himself with saying that since its adoption the great articles of consumption among the working classes, such as tea, coffee, and sugar, had been reduced in price by one-half, while their consumption per head had been nearly doubled. Nine-tenths of our total exports of £180,000,000 consisted of articles manufactured by British workmen, and only one-sixth of our total imports of £300,000,000 (or one-tenth, excluding silk goods) consisted of articles manufactured by the workmen of other countries, and it was only this small portion of our imports which could be considered as in any way competing with the productions of our own working classes. Under all the circumstances, he could not be a party to the appointment of a Committee as proposed by the hon. Member opposite.

MR. FIELDEN said, that the arguments of the Mover of the Motion had been met by assertions that the object was to revive Protection. Even if that were so, would there be any harm in it? All that was desired by those who supported the Motion was that a full inquiry should be made into the working of the Treaty. If the inquiry went to prove that Protection was advisable for the welfare of the working classes, he should like to know whether those who sat on the Ministerial side were prepared to say that they would not adopt it? All that was asked for was inquiry. What were the facts? In 1860, the Treaty was entered into with the French Government, and that Treaty expired on the 1st of February last. A notion had got abroad among the working classes that the present distress arose from the operation of that Treaty, and they had petitioned the House for an inquiry. They petitioned for what they believed to be a redress of their grievances; and was the House, merely because the inquiry might run counter to the pet theory of hon. Gentlemen opposite, to allow the suffering to continue by repressing the inquiry? With regard to free trade, it should be remembered that, owing to their course of legislation, and the transfer of the manufacture of the textile fabrics from the South to the North of England, they had brought together in the North a great mass of people, who relied for their existence upon employment in the manufacture of these fabrics. Supposing cotton goods could be manufactured cheaper in foreign countries than in England, and that, in consequence, the whole of the cotton manufacture of England was destroyed, were they prepared still to carry out the principle of free trade? The whole question resolved itself into one of whether free trade was a benefit to the labouring population of this country. If it was a benefit, he was in favour of it; if it were not a benefit, he had the courage to say to the House that he was against free trade. The circumstances were such as to warrant inquiry. They talked of free trade; but was this Treaty free trade? He admitted that if two nations had the same amount of taxes to pay, and were on an equality in other respects, it might be good policy to have a free interchange of commodities between them. But if one were much more heavily taxed than another, the question arose whether free trade would be mutually beneficial, because the nation that was least heavily taxed would outbid the other. He wished to put the question on a different footing to that on which it had hitherto been placed, and to ask whether the people of England had any ground of complaint with respect to that Treaty, and whether they could reasonably ask for an inquiry respecting it? If he were to allude to the case of the silk manufacture, he would, no doubt, be told that, though it had declined, other branches of manufacture had improved. He would, therefore, take the cotton manufacture, the state of which did not deserve the glowing terms used by the hon. Baronet (Sir Thomas Bazley), for since the American War it had been a wretched trade. Within the last month a sub-committee of the Manchester Chamber of Commerce had addressed a letter to a foreign firm, in which they said—

> "Suffice it to say that, in the year 1869, the extreme badness of trade resulted in an extent of disasters which, both in the amount of property involved and in respect of the hardships and ruin entailed on manufacturers, is almost without parallel in the history of our commerce. In that year alone upwards of 80 spinners and manufactures in this district failed, independently of those who compounded with their creditors unknown to the general public; while those whose wealth enabled them to avoid absolute ruin were left with crippled means and greatly depreciated property. Where mill property had to change hands it is no exaggeration to say that such property fell to a third, and, in some cases, to a fourth of its former value, and was even at times unsaleable. Many millowners, whom a life of industry had placed in apparently affluent circumstances, were driven to seek for subsistence in subordinate situations, and even in emigration. Destitution among the operatives in some localities caused an enormous advance in the poor rates; and, in order to avoid liability to taxation on unworked factories, the machinery of many was cleared out, and even sold for old metal."

This was the description given of the position of the cotton trade in 1869; and he would appeal to Members on the other side of the House whether the hon. Baronet the Member for Manchester had, that night, given a faithful picture of the state of things in the cotton trade.

Sir THOMAS BAZLEY said, he had distinctly stated that the losses in the cotton trade since 1860 amounted to £200,000,000. He only spoke of prospective prosperity, for while cotton decreased in value profits increased. He had referred to a bright future, not a bright immediate past.

Mr. FIELDEN said, that cotton had been decreasing in value ever since the close of the American War; but the result was still great depression of trade. Taking, however, a wider range than Manchester or Macclesfield, he asked whether the condition of the labouring people of this country had improved or not since the negotiation of the French Treaty, when compared with their condition before that time? The French Treaty was concluded in 1860, and he would, therefore, take the state of things from 1854 to 1859, and compare them with those between 1859 and 1867. The statistics he was about to quote were taken from a Blue Book called *Statistical Abstracts*, which was published by authority. He found that the population of England, between 1854 and 1859, had increased 5 per cent, and between 1859 and 1867, it had increased 8 per cent. If the population were well-to-do, the poor rates would not increase in a greater ratio than the population; if the people were prosperous, the poor rates would increase in a less ratio than population. The amount, however, expended in the relief of the poor in England and Wales from 1854 to 1859 increased 5 per cent—rather less than the increase in the population; and between 1859 and 1867 the cost of the relief of the poor increased, not 8 per cent, as the population did, but 25 per cent. There was another test of the condition of the people. Between 1854 and 1859 the increase in the county rates in England and Wales, mainly owing to the increase in the cost of the police force, was 27 per cent, and between 1859 and 1867 it was 52 per cent. Here was a clear proof that the condition of the people was gradually growing worse and worse, for the relief to the poor was increasing, and that which invariably followed upon increase of pauperism—namely, vagrancy and crime, had also increased, as shown by the increased number of police who had to guard us against the depredations of these unfortunate people. The number of criminal offenders convicted in England and Wales between 1854 and 1859 had decreased 45 per cent; but between 1859 and 1867 it had increased nearly 14 per cent. Did not these facts furnish good ground for inquiry? What could be the cause of that sudden falling off in the number of criminals convicted in the five years previous to the passing of the French Treaty and of the increase in the six years after? He did not say that the increase was to be ascribed to the operations of the Treaty; but in denying an inquiry into the question, an attempt was being made to prevent the House from arriving at the true state of the case. There was also another illustration of the destitution and misery which prevailed among the labouring classes, and that was the increase of the rate of emigration. No one would contend that if the people were in good circumstances they would be willing to leave their land and go to foreign countries. When, therefore, we found large numbers of them emigrating, we might, with perfect justice, come to the conclusion that they were driven to that course by the sad condition in which they were at home. That being so, he found that, from 1854 to 1859, the number of emigrants had decreased 62 per cent; while from 1859 to 1867 it had increased 62 per cent. There was another very remarkable fact connected with emigration which threw light on the opinions entertained by the labouring classes as to what they deemed to be the cause of their misery. Where did they go to, for instance, when they emigrated? They did not go to countries where there was free trade, or to the Colonies, but to the United States, where the highest Protection was maintained simply for the sake of protection. In 1854, 14 per cent of those who emigrated went to the North American Colonies; 59 per cent to the United States; 26 per cent to Australia and New Zealand; and 1 per cent to other places. In 1859, 58 per cent went to the United States; but, in 1867, a remarkable change occurred in the proportions of the emigrants to different countries, for in that year, while only 8 per cent went to the North American Colonies, 82 per cent went to the United States; the emigration to Australia and New Zealand being 7 per cent, and to other places 3 per cent. That was a remarkable state of things; because, during the period which had elapsed between 1859 and 1867, the policy of the United States had become still more highly protective than ever it had been before, and yet the result of that highly protective system was not to deter the labouring classes from going to that country, but rather to encourage them to make it their home. He did not mean to say that the subject was one on which they had formed correct opinions, or that free trade was wrong and Protection right; all he contended for was, that the facts which he had just mentioned clearly showed that there was a strong opinion among our labouring population that their troubles and distress in some way proceeded from the policy which had been adopted by this country, and that they were determined to go to a country in which the policy was the very reverse. He felt it to be his duty to lay these important facts before the House, for they proved that, whatever the policy was which it was right we should pursue with respect to our commercial relations, there was, from some cause or another, widespread distress existing in this county, which he, for one, had come to that House with the sole object of relieving if possible. But to relieve it, it became necessary to ascertain what the cause was which led to it, and to attain that object inquiries must be instituted. It showed, in his opinion, great weakness on the part of hon. Gentlemen opposite; it showed that they had little faith in their principles when they opposed such an inquiry, because, as they said, it might prove Protection to be right, and free trade wrong. ["No, no!"] If that was not the ground on which their opposition was based, he should like to know what objection they had to the appointment of the proposed Committee. The argument that the French Government were opposed to inquiry could not be held for a moment to be of any weight with that House. Indeed, the French themselves were engaged in inquiring into the operations of the Treaty; and, even though it were otherwise, we had not yet, he hoped, arrived at that position that we would not institute an inquiry into a law which we ourselves had passed, and which effected the well-being of the people of this country, without asking the consent of the French Government. He trusted, therefore, that in deference to the feeling which undoubtedly prevailed in our large centres of industry with regard to the operation of the Treaty, the inquiry now called for would be granted; for it would not be well that it should go forth to our suffering people that the House of Commons declined to recognize a grievance of which they so generally complained.

Mr. CRAWFORD said, it was not his intention to enter into the general question; but that he was desirous of making a few remarks on what had fallen from the hon. Gentleman who had just sat down. The hon. Gentleman had read an extract from a letter which he understood had been addressed by the Manchester Chamber of Commerce to some one with respect to the distress which prevailed in Lancashire. Now, that distress arose, he apprehended, in a great degree from the circumstance that, during the period of the depression of trade caused by the American War, the people of Lancashire, with a certain want of providence, wasted a great portion of the funds which they had previously been able to lay by in bricks, mortar, and machinery. The consequence had been that an amount of machinery, building, and plant of one kind or another had been brought into existence far in excess of the legitimate demands of the times. The products of our industry also had not been very successful in the markets of the world. We had overstocked the markets of India, China, and other countries; and he attributed in a great degree the bad prices realized in those markets to the large over-production in Lancashire in consequence of the investment of surplus moneys in that district in the manner to which he had referred. It must be borne in mind, too, that the Continent had made great advances of late years in the extension of railways and other commercial respects, and had, therefore, been enabled to meet us in their own and in neutral markets on terms which, a short time since, were not even thought of. These were facts which the hon. Gentleman seemed not to have taken into account, and in reply to the statements of the hon. Gentleman with respect to the state of population in the country, he would simply refer him to the consumption of articles on which Excise and Custom duties were paid, as recently explained to the House. In tea, sugar—even spirits, and all other commodities of that kind, it appeared that an amount of consumption was going forward which by no means indicated the existence of so great an amount of distress as the hon. Gentleman would lead the House to suppose prevailed. It was not his intention to go into the general question, and he would only say that nothing he had heard in that debate, nothing he had read, and nothing that had come under his experience of late would justify him in thinking that there was any reason whatever to lament or deplore the adoption of the great principles on which the commercial system of this country was established 10 years ago.

Mr. PELL denied the accuracy of the statement that the reason why the agricultural classes took so warm an interest in the questions before the House was that they were anxious for a return to Protection. The tithe averages proved the price of corn to be no lower under free trade than Protection, while meat and the lesser luxuries of the farm were certainly dearer. He had this evening presented to the House a numerously signed Petition from a portion of his constituents who were really concerned in this matter—namely, those who resided within the walls of the town of Leicester, containing more than one-third of the constituency he had the honour to represent. He had taken some pains to confer both with masters and operatives on this subject during the Recess, and as far as he could ascertain, the former were not dissatisfied with the operation of the Commercial Treaty. They were perfectly aware, however, that with regard to certain branches of trade the position of the manufacturers had been shifted. In Leicestershire they were largely engaged in the production of woollen twist and hosiery, and though some of the classes of woollen goods they formerly produced had now gone abroad, machinery had, he believed, been applied for the production of another kind of goods from which a profit was derivable. He would not treat this subject from the point of view of free trade, which question had, in his opinion, been dead and buried long ago. He wished, however, to say a few words on the subject from the operatives' point of view. He had met them in great numbers and endeavoured to show them that, when circumstances were unfavourable, the mind did not easily distinguish between reciprocity and a policy of retaliation which would be highly mischievous. These men had stated their case to him in a most fair and rational way, and he therefore felt bound to ask the House to meet them in a like spirit. The hon. Member for Manchester had spoken of education; but what kind of education could possibly be more valuable to the people than that which would be imparted to them by an inquiry into this subject? In his judgment the fair way to meet them would be by acceding to the prayer of their Petition, and showing that the inconveniences they suffered might not result from legislation, but from other influences over which Parliament had no control whatever. He thought one of the consequences of such an inquiry as was desired might be to substantiate the soundness of the policy which led to the Commercial Treaty. At all events, the inquiry would show that there existed at the present moment a tendency towards a very great change in wages, both in this country and abroad, and that while this change was going on our manufacturers and operatives must be subjected to a pressure which it was only natural they should complain of. An inquiry might fairly be made into the operation of the Treaty, which had been recently renewed *de die in diem*, and the result would possibly be that a new Treaty might be concluded even more beneficial than the former one, which he sincerely believed had been of advantage to the nation.

Mr. HIBBERT said, he would have abstained from joining in the discussion had it not been for the speech of the hon. Member for the West Riding (Mr. Fielden). The question before the House seemed to have grown up in accordance with the Darwinian theory. The suggestion of the hon. Member for Manchester (Mr. Birley), for an inquiry into the French Treaty, had been taken up by the hon. and learned Member for Coventry (Mr. Staveley Hill), who wished for an inquiry into all treaties; and now the hon. Member for the West Riding seemed desirous of entering into a still wider inquiry as to whether free trade or Protection was good for the country. He did not think, however, that the hon. Member for Manchester had such an object in view when he brought forward this Motion, and, in his opinion, there were many objections to entering upon so wide an inquiry. The hon. Member for the West Riding had commented on the French Treaty, as it affected not only trade, but also poor rates, the police force, criminals, and emigration. Among other things, the hon. Member had stated that while our population had increased only 8 per cent between 1859 and 1867, pauperism had increased 25 per cent; but he omitted to mention that during that period the American War and several grave financial panics had occurred, and also that we had passed several Acts to insure the better treatment of the poor, so that the increase of pauperism was not due solely to the additional number of paupers, but likewise in a large degree to the higher outlay required for their maintenance. Again, the hon. Member did not allude to the fact that the cotton trade had suffered as much, or more, before the introduction of free trade than it had done since. Before that period, he might remark, one in every 11 of our population was a pauper, whereas in 1869 the proportion was one in every 20; and he thought the amount of pauperism would be further diminished if the people were well educated and weaned from their drinking habits. Again, in 1854, before the great principles of free trade were carried out, the value of our exports to foreign countries was only £115,000,000; but in 1869 it had risen to £190,000,000, an increase which must have had the effect of giving additional comfort and happiness to many of our people. It might be said that our taking an increased quantity of French products was injurious to the home silk trade; but it was precisely because we took so large a quantity of their silk, and other products, that they were able in return to import largely from us; and even if we were now to put a heavy duty on their goods they would not cease to manufacture silk, woollen, and cotton fabrics. The only consequence would be, that if our shores were closed to them they would send their goods to neutral markets, there to establish competition with our manufactures. As regarded the plate-glass makers, if, under present circumstances, foreigners sent in a third of the quantity of plate glass that was used in this country, how could the mere removal of duties enable our countrymen to compete successfully abroad when to the cost of production the cost of freight was to be added? He was not, as a rule, in favour of Commercial Treaties. As a rule, he thought that they were a mistake. But in the case of the Treaty with France, it was the only manner in which the Emperor could carry out a free-trade policy with this country, and it was better to have it in that form than not at all. At the same time, he hoped that no treaty of the same sort would be made with any other nation.

THE CHANCELLOR OF THE EXCHEQUER: Before the House divides, as the debate has been rather discursive, let me recapitulate the points which are really before us. The hon. Member for Manchester (Mr. Birley), who opened the debate, put his proposal to refer the French Treaty to a Committee on the single ground, as I understood him—[An hon. MEMBER: No.] The hon. Gentleman has not heard the ground—on the ground that we were not as favoured in our exports to France under that Treaty as we ought to be, and that it would be desirable to enter into an investigation of the manner in which our exports have been treated, with a view of prevailing upon France, as I understood, to give us more favourable terms. Now, it occurs to me that if the hon. Gentleman wished to prevent our exports getting fairer treatment than they do at present, this is the way to attain his object. Because, if we should enter into an investigation, and show to the French Protectionists—who are very powerful—that under this Treaty they enjoy considerable protection at present, nothing will more strengthen their case, and nothing will make it more likely to prevail. We should be showing them the strength of their own position; we should be putting them upon their guard, and we should be enabling them to use a most powerful argument not only with those who are of their own way of thinking, but also with those who are undecided upon the question of free trade or Protection, and thereby undermining the very arguments which we wish to prevail. But I pass to the very different treatment of the Motion which was given by the hon. and learned Member for Coventry (Mr. Staveley Hill) and those who succeeded him. He not only used the argument of the hon. Member for Manchester, but he went much further; for he did not content himself with demanding fair play, and the more easy admission of our exports into France, but contended that the Members of the Committee that is asked for should devise some plan for restricting the import of French goods into England. That was the whole basis of the hon. and learned Gentleman's argument. He thought that the producers of England were injured by the competition with France, and that some measure ought to be devised for limiting that competition. In order to benefit the consumers of England a tax in the shape of an additional payment for the goods was to be imposed on the consumers of England. Warming with his subject, the hon. and learned Gentleman spoke of "retaliation;" but his argument went beyond that. Retaliation, of course, is one way of limiting the entrance of goods into a country, and thereby raising the prices of such goods by artificial means; but the argument of the hon. and learned Gentleman, whether he meant it or not, went, when fairly considered, the whole length of Protection. Once admit the principle that it is just to impose duties not for the purpose of revenue merely, but for the purpose of restricting the arrival of foreign goods in this country, and thereby raising the market against the people of this country, and you will have admitted, in the most explicit terms, the principle of Protection, with its most odious consequences. Then I go a little further and I come to the noble Lord the Member for North Leicestershire (Lord John Manners); and that noble Lord was less guarded even than the hon. and learned Member for Coventry, becaue he actually pronounced a sort of panegyric on Protection. And though a protected manufacturer is hardly ever a manufacturer whose goods can be exported, because they are produced at an extravagant price, and therefore cannot compete in the markets of the world with other goods which do not enjoy the so-called advantages of Protection, the noble Lord was so impressed with the view, which in some way or other had been suggested to him, that he went into a panegyric of

America, and was at great pains to show that, although America imposes such penalties upon hard goods, she is still able to export axes to Australia. Why the noble Lord should have felt it necessary to refer to Australia and America I know not; the only reason that I can imagine is to afford proof that he was a Protectionist to the backbone. Then I come to the hon. Gentleman opposite (Mr. Fielden), who addressed us at so much length, and went into so many statistics upon the subject; he seemed to me to be a most devoted advocate of Protection. "Observe," he said, "the merits of Protection, when persons are driven out of the country by your free-trade policy—where do they go? Not to free-trade countries, but to America." These hon. Gentlemen may all be right in the doctrines which they put forward. I have no right to assume the contrary. But I wish the House to take notice that, with the single exception of the hon. Member for Manchester, the principal speakers in this debate based their support of the Motion really, though with some timidity and hesitation, upon the doctrines of Protection. If that be so, and if the House grants a Committee upon the strength of speeches such as these, we shall be doing the very thing best calculated to strengthen the Protectionist party in France, and to urge upon the French Government to put an end to the Treaty. We shall tend to give the impression that this House is Protectionist, and that it has granted the Committee with the view to establish Protection. But I press this matter further. Anybody who has attended to the debate will see that what is in the minds of hon. Gentlemen is not the French Treaty at all — the French Treaty is a mere stalking-horse. What hon. Gentlemen desire is, a Committee before which they may impeach the doctrines of free trade, and before which they may urge a retrograde policy, taxing the consumer by making an artificial dearness for the benefit of those who cannot in fair market compete with the foreigner. The mischiefs that would result from the adoption of such a Motion would be incalculable. It might turn the balance against us in France; and the Treaty, to the value of which such important testimony has been borne, might be put an end to altogether. I have criticized the reasons put forward in favour of granting this Committee. I will say one word as to the reasons against it. The question is now undergoing inquiry in France. Why cannot we wait and see the result of that inquiry in France without plunging into an investigation on our own account? What can be the result of any such inquiry? If we show that England has been a loser by the Treaty, the hon. Gentleman will only succeed in making foreigners cling more tightly to the advantages they enjoy, while weakening the support given to the Treaty in this country. If, on the other hand, we demonstrated that England gained largely by it — though it might also be true that France gained equally — the fact of our profiting largely would not tend to increase its popularity among our neighbours on the other side of the Channel. Put it which way you will, therefore, I cannot see that anything but mischief is likely to result from this Motion. It is evident that it is not merely the operation of free trade that is sought to be inquired into, but that it is desired to ascertain how far it lies in the power of the Government to remedy the shortcomings of those who have been unsuccessful in their pursuits. The effect of granting such a Committee would be to establish a principle more unsound than any which has been proposed — that when reverses of trade or pauperism occur the belief should be raised that it is in the power of Government to interfere to restore the prosperity of trade. No more fatal delusion than that can be conceived, because its effect is not only to raise expectations which can never be fulfilled, but because it throws odium upon the Government by holding them to blame for misfortunes for which, in reality, they are not in the slightest degree responsible. For these reasons, therefore, I hope that the House will not agree to the Motion of the hon. Member, which really, under the pretence of a proposition for the appointment of a Committee to inquire into the French Treaty, proposes to re-open the whole controversy between free trade and Protection, and to broach that most pernicious doctrine that it is in the power of a Government to make its citizens wealthy, happy, or industrious.

Lord JOHN MANNERS wished to say, by way of explanation, that the

Chancellor of the Exchequer had entirely misrepresented what fell from him. He (Lord John Manners) had quoted from the Report of the Chamber of Commerce at Birmingham for the purpose of showing that the Americans had actually exported goods to Birmingham.

MR. NEWDEGATE said: Sir, at the commencement of this debate I was reminded of the saying that popular assemblies are deficient in two qualities: that they have no memory and no foresight. For what was the answer given on the part of the Government to the Motion now before us? That we are not to inquire into the operation of the French Treaty, because, just at the present time, the state of trade is rather improving; and the hon. Member for the City of London (Mr. Crawford) got up, and, in reply to the very powerful speech of my hon. Friend the Member for the West Riding of Yorkshire (Mr. Fielden) said there was a slight increase in the consumption of sugar, I think he mentioned spirits also, and he said something about tea. Will the House ask itself what this Treaty has been, and what it is to be, if renewed? It is an engagement, which has been described by the Vice-President of the Board of Trade as a key to the commercial policy not only of this country, but of Europe, during the last 10 years, and it is proposed to renew, for a further period of 10 years, an engagement, which is to regulate the commercial policy of this country and Europe, with all its incidents as hereafter affecting this country. Hon. Members who spoke early in the debate were very urgent in demanding facts to justify this inquiry. Sir, is any hon. Member of this House prepared to assert that the commercial policy of the country has no effect on its industry? If no hon. Member is prepared to declare that, how can he be surprised, when the representatives of the working classes say that those classes are suffering severely, and have suffered severely during the past 10 years, and that, as compared with the previous 10 years, they have for the greater portion of that time been in a worse position. If that is a fact—if that circumstance characterizes the period during which the commercial policy of this country has been regulated by the Commercial Treaty with France, upon what ground can the right hon. Gentleman the Chancellor of the Exchequer complain of our showing that the commercial policy of the country and the deteriorated condition of the working classes for the last 10 years, as compared with their condition during the previous 10 years, are coincident facts? Why, Sir, I never heard a weaker argument proceed from the lips of a man of his great abilities, or of any Chancellor of the Exchequer. And then the right hon. Gentleman went on to say—

> "Whatever may have been the circumstances of the commercial classes in the past 10 years, what can the commercial policy of the country have to do with their condition?"

Why, Sir, the French Protectionists are much more reasonable than the right hon. Gentleman. But the right hon. Gentleman is afraid, if the proposed inquiry be instituted, that the French Protectionists will gain some information; for they say that this instrument—which is described as the key to the commercial policy in France, no less than to that of England during these 10 years, has not been sufficiently advantageous to them. In like manner the operative classes of this country say that it has not been sufficiently to their advantage; and because both these interests declare themselves injured, therefore, says the Chancellor of the Exchequer, this House must not inquire. Such is the argument of the right hon. Gentleman the Chancellor of the Exchequer! This Commercial Treaty, Sir, relates not only to France and French productions. We know that there is a provision in that Treaty, according to which the produce of all other countries passing through France comes duty-free into this country, and this is an obligation which gives not free trade but protection to the industry of France; while it entitles her to free imports into this country. Then we are lectured by the supporters of this Treaty, which secures Protection to France, whilst it enforces free imports on England, upon the doctrine of free trade. Free trade! Free trade! Free trade, forsooth! Call you that a free-trade bargain, which secures 15 or 20 per cent import duties to one country, and refuses them to the manufactured articles exported from the other country? Never before was there such an abuse of the term "free trade." And then we are charged with impertinence for venturing to believe that it is possible for the Chancellor of the

Exchequer to find it convenient to impose some duty on French imports for the supply of the public Revenue. [" Oh !"] Oh ! I only wish that the hon. Member who shouts "Oh!" were a Member of the House of Assembly in the United States of America: I can assure him that his exclamation would not be received there with the cordiality with which it appears to be hailed by Gentlemen opposite. I have heard it said that there is a skeleton in the cupboard of every household; and it struck me as being rather singular that there should be such an avoidance of all mention of the working classes in the course of this debate among the supporters of the Government. The same silence respecting them was observed by the Chancellor of the Exchequer; and the thought arose to my mind that the working classes of England must be the skeleton in the cupboard of the party opposite. [*Laughter.*] Hon. Gentlemen may not like my referring to the skeleton in their cupboard. I strongly suspect that it is there, that it will come out by-and-by, that, in fact, it will require more than all the ingenuity they possess to keep it under lock and key. Sir, I represent a large body of the working classes. I have presented their Petition from Birmingham. Nay, for once, I went beyond the limits of my constituency, and represented to the working classes, at Manchester, that it was for their interest that the hands of the Chancellor of the Exchequer should be kept free to deal with the Revenue of this country during the next ten years—I exhorted them to petition this House not to give its consent to the renewal of the French Treaty without previous inquiry. Sir, I have recently moved for the appointment of a Committee, though on a different subject; and last night, after much delay, a Committee was very tardily granted; but, as it seemed to me, during the discussion on that Motion, and so it seems, too, to-night, that nothing is so offensive to Her Majesty's Government, as any proposal for inquiry; nothing so offensive to them as to propose that this House should have the opportunity for acquiring information for itself. In foreign countries, and in other legislative assemblies, foreign Governments do not presume on their knowledge to such an extent as to refuse inquiry. The Reichsrath of Austria has inquired, and has demanded, that the Austrian Government shall submit to that assembly the terms of the Treaty with this country. And, even in Paris, under the Imperial system, the Emperor has thought it becoming to allow the French Legislature to inquire into the subject of this very French Treaty. In England, however, the First Lord of the Treasury has become so much more Imperialistic than the Emperor of the French, that, when we apply to the right hon. Gentleman for permission to inquire into these questions, which have been examined by the Reichsrath of Austria, and are now undergoing investigation by the French Legislature, we are told that we are too curious—that our curiosity borders upon impertinence! I am sorry that the right hon. Gentleman should attempt to refuse this inquiry. He was a party to the negotiations, which led to the conclusion of the Treaty. The secresy, and other circumstances connected with those negotiations, produced a painful impression at the time; and now we are again told that secresy must be observed. For what purpose? That England may have a chance once again of cheating the Protectionists of France? Surely, Sir, such reasons as these are utterly unworthy of the Government of this country. And are they likely to succeed? We have been told to-night, that the French Consul at Glasgow has addressed a letter to the South of Scotland Chamber of Commerce, informing that body that he had been directed to make inquiries in Scotland with regard to the results of the French Treaty, and asking their assistance in prosecuting those inquiries. So that the information can be had in Paris, whether it is given to the House of Commons or not. Rely upon it, that this attempt to hoodwink two great nations will fail; for the people will be informed upon the subject, even though this House may countenance an attempt to bind this country by the Treaty for another 10 years without its consent. Throughout this discussion we have heard so much about the consumer, that it brought a French riddle, or rather the saying of a Frenchman, to my mind. I fully admit that there is in this country that which the right hon. Gentleman the First Minister, a short time since, described as the "lounging class." Those persons have, probably, fixed incomes, or live upon salaries, and are not directly connected with the industry of the country or its prosperity, and may profit by the cheapness of the luxuries, which are admitted under the provisions of the French Treaty. This House itself is a house of consumers. But we sometimes find an hon. Member, like my Friend the Member for the West Riding of Yorkshire, who is not ashamed to declare that he is sent to this House to represent the producers, and, as a legislative body, we should remember that we represent the producing wealth of this country. Well, Sir, all this argument for the consumer, and in favour of the extreme cheapness of all luxuries which the consumers desire, reminds me, as I said, of the remark of a Frenchman at the time the succession duty was being considered in this House. Someone observed to him that the Bill would, if enacted, be very severe upon the owners of hereditary property, and that it would never pass the House of Lords; to which the Frenchman replied—"O! mais vous oubliez, que c'est la Chambre des Pères." The extreme unwillingness of this House, which is a house of consumers, to inquire into the provisions of this Treaty, which cheapens their luxuries, makes me think there may be an analogous feeling in this House to that which the Frenchman ascribed to the House of Lords with respect to the succession duty. Depend upon it, Sir, that there are two sides to this question. There are in this country producers as well as consumers, and these producers are going by thousands to the United States of America, where their industry will be protected. I do not see how you can escape from that, as a proof that the working classes are not so averse to Protection as they have been represented to be. The noble Lord the Member for Leicestershire (Lord John Manners) has told you, that the working classes are not prepared to urge the doctrines of Protection unreasonably. They do not wish to be Protectionists, although they have returned me for twenty-seven years to this House, and I have never disavowed modified Protectionist opinions. What they hold and say is, that this French Treaty is not a true exposition of free trade. They declare it to be unfair, that the French operatives should be protected by a 15 or 20 per cent duty, whilst merely nominal, or no duties are enforced upon French manufactures imported into this country. And thinking this an unfair arrangement, they ask those who are now their direct representatives—they ask the House of Commons, to inquire into the operation of the Treaty before the country is again committed for another ten years; to inquire, as the Legislature of France is inquiring, and as the Austrian Reichsrath has inquired. ["Divide!"] Hon. Gentlemen who represent these consumers may be impatient; but, may I be permitted to remind the House that we are the direct representatives of the operative classes; and, having presented to you a Petition, I demand inquiry? I am not to be baffled by the assertion that these petitioners hold unsound opinions. They hold this opinion, that the French Treaty, as it exists at present, is unfair, because it enacts Protection for France and denies to England the power of levying a duty on imports. That is the strong feeling of the operative classes; and, whatever may be the intention with which the hon. Member for Manchester, who sits on this side of the House, has made this proposal, I claim the right, as representing the labouring classes of Birmingham and North Warwickshire, to vote for this inquiry, and to vote further for the additional inquiry, which has been proposed by the hon. Member for Coventry, even though the House treats as a light matter the ruin of the industry of that city. "O! it is only Coventry that is complaining." And is it a trifling thing in the opinion of this House that the industry of one of our great communities has been reduced to less than one-fourth of what it was? Yet, that result is perfectly well known; you some of you say that this ruin is not the effect of the French Treaty, but it ensued immediately on the Treaty coming into operation, and these men, through their representatives, ask for inquiry, and in doing this are joined by their fellows, the citizens of Birmingham, of Leicester, and of Manchester. ["Divide!"] Why, how afraid you are of this skeleton! ["Divide!"] You may try to prevent the skeleton from getting out and coming in that door; but rely upon it that the working classes will and must be represented in this House. ["Oh!"] Truly it is strange that you who are the advocates of popular education to such a degree that you are willing to exclude the study of religion lest your favourite technical education should be thereby impeded, should raise objections to the operative classes being instructed by a Committee of this House! ["Oh, oh!"] Let me ask those Gentlemen who so persistently cry "Oh," whether these working classes do not pray you to inquire into this subject for their information? If they do not ask that, what is it that they do ask? And if this is their request, is it not most reasonable? Is it not the same request that has been preferred by, and granted to, the operatives of France; the same that has been pressed by, and conceded to, the operatives of Austria? If you are so confident and so sure that the renewal of this Treaty for another 10 years will be for their advantage, why refuse to prove it to the working classes? Sir, I must be allowed to say that I shall see with deep regret this House treated less respectfully by the Government of this country than the Legislature of France has been treated by the Emperor, or the Austrian Reichsrath by its Sovereign; because we only ask for the same means of obtaining information as have been conceded to them; and, I must add, that the reasons advanced against us have been of the weakest description. There has been a demand for facts; and early in the debate we were told that there were none alleged. But the hon. Member for the West Riding subsequently adduced facts in the most lucid manner; and what was the observation made by the Chancellor of the Exchequer respecting them? Why, that nothing could be more dangerous or mischievous than to create in the minds of the working classes the suspicion that their interests could in any way be effected by the action of the Government of this country with regard to—what? The renewal of this Treaty? ["No, no."] Then what is the object? I shall be glad to know, if it is not the renewal of the Treaty.

THE CHANCELLOR OF THE EXCHEQUER: I have not made that statement. There is no question of renewing the Treaty. It is not to be renewed for 10 years, as the hon. Member imagines, with all the care he has given to the question. It is terminable at a year's notice by either side.

MR. NEWDEGATE: At last we have a piece of information. ["Oh, oh!"] The right hon. Gentleman has just told us that this Treaty is not to be renewed for 10 years; I certainly was not aware of that fact. It will be information for the country. We were told by the First Lord of the Treasury, when a debate took place upon an analogous subject, the Treaty with Austria, that the practice of this country was different from that of other countries, and we are quite aware of it. According to the practice of this country, the Government have power to commit the Crown to a Commercial Treaty in the first instance, whenever it may seem to them convenient to do so, and it is not until the Crown has been committed that the Legislature is consulted. In other countries this power is not conferred upon the Crown; and, as that is the case, I say that, in a matter which like this mutually affects the interests of these foreigners and our own, it would be convenient for us to institute an inquiry in the first instance. Sir, great political changes have taken place in the constitution and practice of foreign States—they are becoming constitutional, and it seems to me perfectly clear that, if this House refuses inquiry, it will place itself in a position more different from that occupied by the Legislatures of other countries than was formerly the case, since it will have refused a request made on behalf of the working classes of England, to be treated as foreign operatives have been treated by their Governments. The English operatives will feel that, by this refusal, they are placed in a position less creditable to themselves than that which has been assumed by the working classes of either Austria or France.

MR. DELAHUNTY said, he hoped that the House would not at the call of North Warwickshire or Manchester turn its back on free trade. He hoped they would repudiate going back to the dark ages of Protection. If England was great and mighty among the Powers of the earth, it was because she had adopted the principle of free trade with the whole world; and the French Treaty was nothing more than a means by which the French Emperor sought to induce the people of France to pursue the same path as England had so long marked out for herself. It had been said that the people had suffered from free trade. It had not been shown how. Had it suffered in the amount of its sales? In the quantity of its exports and imports? No. The exports and imports were twice what they were a few years ago. And this had been through free trade. Thirty or 40 years ago the amount was only one-fifth of what it was now. When England ruled the sea and had Protection to the masthead the amount of tonnage entered inwards and outwards was only 4,000,000; now it was over 60,000,000. Was not this an answer to those who would muzzle free trade and revive Protection? If free trade were put down the labouring classes would suffer; and England like Ireland would be depopulated. He hoped the House would not listen to the sweet persuasion of the hon. Member for North Warwickshire, who was so fond of Committees. He got one Committee appointed last night; but he hoped he would not get another to-night. In the name of the people of Ireland he said—Down with Protection and up with free trade.

Mr. BIRLEY said, he would say very few words in reply. He had not attacked either free trade or the French Treaty. He did not complain of the speech of the Secretary to the Board of Trade. His only complaint was that the hon. Gentleman had not come to the same conclusion as he had himself. The hon. Gentleman admitted distress in this country and the high duties charged by France; but he appeared to think that the best mode of settling the difficulty was quietly in the Board of Trade. His own notion was, that it would be best settled in the face of day by a full, fair, and free inquiry. A distinguished statesman had stated in the French Chambers that the Treaty of Commerce with England was not free trade, but that it was protection to French manufactures; and he (Mr. Birley) did not think that it was possible in two lines to describe the state of the case more clearly. The Chancellor of the Exchequer said it was very imprudent to have any inquiry, because the French Protectionists would find it out; whereas, if we, ostrich-like, hid our heads in the sand, they would know nothing about it. One thing had struck him very much in the speeches of the hon. Gentlemen opposite — they were strongly Protectionist, not for the benefit of this country, but of France. Although he had stated the opinions of the leading Chambers of Commerce in favour of the inquiry, counter statements had not been made except that the hon. Member for Oldham (Mr. Platt) had said that he did not believe that the Chamber of Commerce at Manchester had asked for inquiry. To this, his reply was that the document that he had referred to in his opening speech showed that the Chamber of Commerce of Manchester was in favour of inquiry upon the subject.

Amendment, by leave, *withdrawn.*

Main Question put.

The House *divided:*—Ayes 50; Noes 138: Majority 88.

PUBLIC SCHOOLS.

MOTION FOR AN ADDRESS.

ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [5th April],

"That an humble Address be presented to Her Majesty, praying Her to be pleased to order that in the five Statutes for determining and establishing the constitution of the new governing bodies of Shrewsbury, Winchester, Harrow, Charterhouse, and Rugby Schools, the words requiring membership of the Church of England as a qualification in the case of persons elected or nominated members of the governing bodies may be omitted."—(*Mr. Thomas Hughes.*)

Question again proposed.

Debate *resumed.*

The SOLICITOR GENERAL said, that he should be obliged if the House would allow him, as one of the Commissioners appointed under this Act of Parliament, to state shortly the views entertained by himself and several others of the Commissioners as to the duties that the Bill cast upon them, and the reasons for the course that they took in opposing this provision in the statutes of the schools. The Public Schools Act was passed in 1868, and under it an Executive Commission was appointed by Parliament to carry it into effect. It would be seen that by the Act those who had to carry it into effect had no choice but to proceed in the way in which they had proceeded, and that this provision was one that, under the circumstances, it was not open to them to depart from. He regretted that the discussion had been raised, because, after all, the provision would have very little effect, except in one or two instances, and in those few instances would affect to but a limited extent the constitution of the Governing Bodies. The provision, too, did not in any way touch the management or government of the schools themselves, but provided solely that every member of the Governing Bodies of the schools to which it referred should be members of the Church of England. Now, inasmuch as the constituent bodies by whom the members were nominated or elected were themselves exclusively or to, at all events, a very large extent composed of members of the Church of England, it was evident that only in very rare and exceptional cases it could happen that this question would arise at all. The two Universities of Oxford and Cambridge, in some cases the Fellows of Colleges, and in others persons always practically members of the Church of England, were the people who had to send the various elements of which these Governing Bodies were composed, and it was only when the University of London was made a constituent body and in some other partial and exceptional case that the question could arise, though he was willing to admit that here and there it would have the effect of excluding some one whom it might be desirable to see on the Governing Body. He did not believe that the presence of one or two members on the Governing Bodies not belonging to the Church of England would have much practical effect; but there could be no doubt that this provision tended to make the Governing Bodies more exclusively Church of England than they otherwise would be. It was important that the House should understand the law under which the Public School Commissioners found themselves acting in this case; and it should also be borne in mind that there were seven public schools, of which two—Eton and Westminster—formed their own statutes; these were approved by the Executive Commission of which he had the honour of being a member; the same statutes passed that House without objection; and it was only in regard to the remaining five schools the present question arose. By the statute, a provision of which it was now proposed to repeal, it appeared that an Inquiry Commission in 1861 made a Report recommending various changes in the government, management, and studies connected with the schools named, with a view to promote efficiently the main objects of the founder. Unless there was very good reason for departing from either the spirit or letter of the recommendations of those Commissioners, it would be proper to proceed in the spirit and letter of the Act itself, and to do those things which, upon the fairest and most candid consideration of the provision of the Act, might appear to be right. Those with whom he acted knew well what his individual convictions were upon this subject; but, whatever might be his personal opinions or the convictions of the Commissioners individually, having accepted office they were bound in honour and candour to carry into effect the Act of Parliament to the best of their judgment irrespective of those convictions. In the Act there was a provision showing that the Governing Bodies would have to deal with ecclesiastical patronage. Then, in another part of the Act, the Governing Bodies had to make certain regulations respecting the attendance at divine service; and where the school had a chapel of its own, regulations had to be made as to chapel services and the appointment of preachers. This indicated strongly that the schools were Church of England schools. Regulations had also to be made which should give facilities for the education of boys whose parents or guardians desired to withdraw them from the religious instruction afforded in the schools; and to meet this, a distinct order in the Act directed the Governing Body of each school, or the Commissioners in the absence of that body, to insert in any statutes that might be framed for the government of the school a Conscience Clause. Again, this enactment directly indicated the mind of Parliament that these schools were to be maintained on their original footing of Church of England schools, but giving liberty to persons other than members of the Church to send their children to the school, and respecting their religious views. By the 31st clause of the Act he found that the chapel attached to every school should be deemed to be a chapel allowed by the ecclesiastical law of this land for the purpose of public worship, and for the administration of sacraments according to the Liturgy of the Church of England, and free from the control and jurisdiction of the incumbent of the parish in which the chapel might be situate. It must be remembered that all those seven schools had been, up to the time of the passing of the Act, distinguished as Church of England schools. The Commissioners then being in the position to make arrangements for the studies and management of the institutions, found them to be Church of England institutions exclusively. There was not a word from the beginning to the end of the Act authorizing the Commissioners to alter their character, and therefore they deemed it their duty to proceed in the spirit of the law, and, until Parliament should alter the law, to maintain the character of those institutions which they found to exist. The Commission consisted of a number of gentlemen, some of whom certainly would not have accepted the office which they undertook, and could not have been asked by the Government to do so, if the object had not been to continue the character which at that time was impressed on the schools. The Chairman was the Archbishop of York. Lord Salisbury was a member of the Commission, and so were the hon. Members for Southampton, Maidstone, and Perth, Sir John Shaw Lefevre, and himself. He would put it to the House whether it was likely that either the Archbishop of York or his noble Friend Lord Salisbury would have been asked by the late Lord Derby to take part in operations to be carried out under this Act unless the general purport of it had been such as he had described? That being the state of the case, and such the provisions of the Act of Parliament, it was the duty of the Commissioners, of whom he was one, to ascertain what the Commission of 1861 had recommended with respect to the seven schools which were confided to their care. With respect to Winchester, which was one of the five schools comprehended in the proposed Address, the Commission of 1861 recommended that the Governing Body should consist of a warden and 11 fellows, who should be all members of the Established Church. The Commission of which he was a member had only endeavoured to carry that recommendation into effect. With respect to Rugby, the existing Governing Body consisted of 12 trustees, who had in fact legislative powers almost unlimited for the government of the school; and the trusts were not subject to any religious disqualification, either by the will of the founder or the Act of George III., being the fundamental law of the school. They had, however, before them a letter from the clerk to the trustees, stating that the practice had always been to appoint persons who were members of the Church of England, and no instance had occurred from the time of the founder up to the present time of the appointment of any one who was not a member of the Church of England. They found that the chapel of Rugby School was by Parliamentary enactment to be a chapel of the Church of England, and, under these circumstances, the Commissioners thought it their duty to place the provision which they had done on the statute. He did not wish to take a party course in this matter, and it was for the House to say whether the Commissioners had done rightly or not. They did not set up to be wiser than the rest of mankind; but it was only right that the House should understand the materials on which the judgment of the Commissioners was founded, and the principles by which they felt themselves bound. In regard to Shrewsbury the trustees were 12 besides the mayor, and by the Act of 1798 it was declared that they should be all members of the Church of England except the mayor. The Inquiry Commission recommended that the Governing Body should be subject to the same qualification—namely, members of the Church of England. In regard to the Charterhouse, the Governing Body was 16 in number, and was regulated by the statute of 1627. The governors were bound to take the oath of supremacy, but were not subject to any other religious disqualification. The Inquiry Commission recommended that one-fourth should be chosen for their eminence in literature and science, but made no specific mention of any religious disqualification. But finding no indication whatever in the statutes or practice that that exclusive character should be changed, it appeared to the Commission that it was their duty to maintain that restriction for the future. In respect to Harrow, the Governing Body was six keepers and governors; but though there was nothing in the statutes requiring them to be of the Church of England, the Inquiry Commission found that it had been the invariable practice to appoint only such. The Commission of 1864 recommended that the Governing Body should be 12 in number, and that they should be all members of the Church of England. The Commissioners of 1861 recommended that the Governing Bodies of Winchester and Shrewsbury should be members of the Church of England; but with regard to Rugby and the Charterhouse they made no such specific recommendation. They, however, found that the practice was that the Governing Bodies were of the Church of England, and that they were Church of England schools—they had chapels which were, by Act of Parliament, to be chapels consecrated for the celebration of the services of that Church, and the Commission felt they were bound in all those cases to put in, or see that the Governing Bodies put in, a Conscience Clause, which would have been unmeaning unless there was a definite system of religious teaching to which that clause might attach, and the enactment of such a clause was conclusive that that teaching was to be maintained. But there were two other schools. One of them was Eton, with regard to which the recommendation had been that the Governing Body should remain the Provost and Fellows, who must of necessity be in Holy Orders, and therefore members of the Church of England; the other was Westminster, almost essentially a cathedral school, and which, being attached to the Abbey, had acquired a celebrity in the country to which no other cathedral school approached. In its origin it was the creation of the Dean and Chapter of Westminster, and it had impressed on it from the earliest times a distinctive Church of England character. The character of those two schools must not be left out of sight; neither must it be forgotten that their Governing Bodies had themselves made their statutes, and had insisted on putting into them the provision now complained of; while, moreover, that House had sanctioned those statutes in that shape without any objection; and all the arguments that would apply to the remaining five schools would undoubtedly apply to Eton and Westminster. Those were the circumstances under which they proceeded to act; and, in the result, they thought it their duty to place that restriction in the statutes affecting the Governing Bodies of five of those schools. He regretted the question had been raised, because he thought it was a bad thing for the Church of England that matters which, in his opinion, were prejudicial and exceedingly unimportant if they were to be given against the Church of England, should be given as it were after a vote of victory, or as something extorted from the Church. The question having been raised before the Commission, they thought it their duty to decide the question, and it would be a strong step on the part of the Crown and the House, if, without any change in the law, the Government of the country proceeded to decide that which had been left by the statute an open question. It might be said that since the Public Schools Act the Endowed Schools Act had been passed, and that they ought to read the former Act by the latter. He would not give a legal opinion on the point; it was no part of his duty to do so. He was not prepared to say that, according to the construction of that Act, it would be an illegal thing to have framed the provision differently, nor that the passing of the Endowed Schools Act might not be a good reason for altering the law as to the public schools left out of that Act; but he did say that, in construing the Act under which they were created to deal with the government, discipline, and management of public schools in 1868, it would be contrary to his notions of law to bring into the construction of that Act an Act passed afterwards, which could have nothing whatever to do with the construction of the Act under which they were acting, and to which alone they were to look for the guiding principles of their conduct in the execution of their functions. Having stated to the House the grounds on which they had arrived at their conclusion, he most unfeignedly said he left it to the House to consider what it might be right to do in the matter, only trusting that if the House should conceive that they had been wrong, it would allow that the reasons on which they had acted as they had done were at least entitled to a good deal of weight and consideration.

MR. BRUCE said, he was anxious immediately to follow his hon. and learned Friend the Solicitor General, inasmuch as it should be clearly understood that his hon. and learned Friend had spoken as a Commissioner under the Public Schools Act, and not as a member of the Government. All who had heard him must admit that there were strong and stringent reasons why the view that he had stated should have been taken by the Commissioners. At the same time, his hon. and learned Friend fairly admitted that there was nothing in the Act itself which would have prevented the Commissioners from adopting the view set forth in the Motion of the hon. Member for Frome (Mr. Hughes). His hon. and learned Friend had given several reasons why, in his opinion, the distinctive character of the Church of England was so impressed on those schools that, although in every instance the Royal Commission on Public Schools had not suggested that the Governing Body should be members of that Church, yet, in the opinion of the Commissioners, it was impossible to arrive at any other conclusion. Upon that let him say that this question as to the constitution of the schools, in respect of the religious character of the Governing Bodies, was not entered into at all in the Report of the Public School Commissioners, while it was fully discussed in the Report of Endowed School Commissioners; and that in the discussions, extending over more than one Session in that House, on the Bill introduced for giving effect to the Report of those Commissioners, that subject was never discussed. When, however, the larger question as to schools of an identical character with the public schools was discussed, upon the introduction of the Endowed Schools Bill, the matter was maturely considered by Parliament, when the Bill was referred to a Select Committee, which came unanimously to the opinion that a distinction ought to be drawn with respect to endowed schools, and that where the denominational character of those schools was clearly impressed on them their denominational character should be retained, and that where it was not so impressed no restriction whatever should be placed on the Governing Bodies in regard to their religious opinions. He thought his hon. and learned Friend would agree with him when he said there would be nothing illegal nor *extra vires* in the House or in the Commission acting, if it thought proper to do so, in the spirit of the Endowed Schools Bill, which he took to be the latest and fullest expression of the opinion of Parliament on this subject. The Government were, therefore, of opinion that it was unnecessary and would be inconvenient to have two different systems of dealing with schools which were admitted to be identical in character, and, therefore, it was their intention to support the Address brought forward by his hon. and learned Friend the Member for Frome. The statutes would, if that Motion were adopted, be considered by the Queen in Council with the knowledge of this Address of the House of Commons, and it was possible that the statutes would be referred back to the Commissioners for revision. It was hardly necessary to speak of the advantages of such a principle as that laid down by the Endowed Schools Bill. It was one which he thought must recommend itself to Parliament as it did last Session, because if it were adopted no restrictions would be imposed, except in cases where the denominational character of the school was clearly marked, in respect of the religious opinions of the Governing Body, which would be selected for their personal character and general fitness. His hon. and learned Friend the Solicitor General admitted that there was nothing in the original statutes which would have prevented the late Mr. Faraday from being appointed a governor of Harrow or Rugby. Why should any restriction now be imposed which would in future prevent the selection of such a man? At the Charterhouse the practice had been in accordance with the statutes, and Lord Dalhousie, who was a member of the Free Church of Scotland, was one of the Governing Body of that school. For the reasons he had shortly stated, he thought the Government were adopting the wisest course in supporting the Motion of his hon. and learned Friend the Member for Frome.

Sir CHARLES ADDERLEY said, he thought the Government were adopting a strong course in supporting the Motion. They were carrying out to much greater lengths the principle laid down by the Endowed Schools Act of 1869. In that Act the five schools now threatened were not recognized; but it was equally true that the Act did recognize the denominational character of schools which they dealt with in a much more scrupulous manner than this Motion proposed to deal with these five great schools. The question now was, whether the House should call on the Crown to reverse the provisions of a statute drawn by Commissioners, in pursuance of power given them by Parliament, upon a point on which those Commissioners say they felt absolutely bound in conscience. In his speech introducing the Motion, the hon. and learned Member for Frome (Mr. Hughes) gave as his first reason for it, that a feeling of jealousy and distrust existed on the part of the Nonconformists of this country towards the Church, which could be removed only by the Church resigning all exclusive claims to property however specifically given to her. It appeared to him that was a strong proposition. If there had been once intolerance on the side of the Church, he must say that it had now moved over to the side of those religious bodies which specially prided themselves on their liberality. It was not alleged that the Governing Bodies of these schools had misconducted themselves, or that there was any reformation required in their mode of government. Nor had it been shown that the Church was not able to continue to supply governors. Neither had it been shown that an infusion of Dissenters was in any way likely to make a better Governing Body. The hon. and learned Member was himself a proof that Rugby, of which he was one of the most creditable productions, although it was expressly founded as a Church school, did not produce exclusively Church scholars. The second argument for the Motion was, that if Parliament did not enforce in these public schools the principle laid down in the Endowed Schools Act of last Session it would stultify itself. Undoubtedly, that Act had enlarged the licence adopted with respect to foundations. Formerly, if by inference a school appeared to be of any particular denomination, Parliament recognized its denominational character. Afterwards Parliament required that such intention must be expressed in order to be recognized. The Act of last Session enforced a Conscience Clause; but if there was positive proof of the intention of the founder that the school should be exclusively denominational, such as its connection with collegiate or cathedral institutions, or being bound to teach particular formularies, that Act recognized such intention. He maintained that this was the case with respect to Rugby. It was a condition in the founder's will that the master should be a Churchman, besides which a special Act that regulated Rugby School further required that the children should be taught the formularies of the Church of England; another Rugby Act provided for a chapel, chaplain, organist, and other Church requirements; he therefore contended that Rugby was distinctly a Church foundation. The principle of the Endowed Schools Act, that wherever there was an express intention that children should be taught the formularies of any faith, Parliament should recognize an exclusive foundation proved, upon his own showing, the Home Secretary was not justified in committing the Government to take that step which the Solicitor General, as one of the Commissioners who drew the statute they were now asked to alter, thought was a violation of the very principles they were called upon to embody in the statute. The other Act regulating Rugby which provided for a chapel, a chaplain, and other Church requirements made the intention still more distinct, if it had not already been made clear that the founder left his property for the special purpose of maintaining a fixed religious standard in the education of the country. If the Government so interfered by un-Churching the Governing Body of so expressly Church an endowment as Rugby no property nor trust could be safe. The proposal of the hon. and learned Member for Frome was simply that the House should suggest to the Queen a direct violation of the Rugby founder's will, yet that proposition was eagerly and precipitately welcomed by the Government. He recollected that when certain Minutes of Council on Education were under discussion, which treated endowments as public property, so strongly did it shake the faith of men in the safety of endowments that the present Lord Chancellor tore up a deed which he was preparing for a school foundation. He asked the House to consider whether asking the Queen to veto the safeguards which special Commissioners had felt conscientiously bound to introduce into a statute relating to express trusts would not prevent the making of any endowments whatever in the future, and whether testators would not feel that whatever the subject of their wills, or the solemnity of their injunctions, some future Member for Frome might quote the argument of the Home Secretary to treat them with contempt. This Motion avowedly arose from jealousy and distrust of the Church on the part of Nonconformists, who did not like any fixed standard of religion, and thought it better that schools should be thrown open to teach any or no religion, while they shut their eyes to the danger of violating the most sacred devotion of property in the contrary view, for the maintenance of a standard of faith. Another argument was, that public schools were public property, that being the line taken also by those who proposed to throw open other large religious foundations. Such was the ground on which it was sought to abolish religious tests at the Universities. But even if that doctrine could anywhere be maintained it did not apply to Rugby, which was as distinctly a provincial, as it was a Church foundation. On all these grounds the proposition to un-Church the government of five out of seven of our principal public schools, as regarded Rugby was a violent one, and he was astonished that the Home Secretary should, when a mere adjournment of debate was moved on a former occasion, have gone out of his way to precipitate an Official assurance that he would support the Motion, committing the Government, without having heard any discussion, in support of a proposition which it now appeared even their own Law Officer had shrunk from in the Commission for drafting the now threatened statute. For these reasons he opposed the Motion.

Mr. W. E. FORSTER said, he wished to correct a misapprehension on the part of his right hon. Friend (Sir Charles Adderley) with regard to the Endowed Schools Act, which expressly limited the making of the instrument of foundation to the lifetime of the founder, or to within 50 years after his death, as otherwise the school could not be considered denominational. The original requirement as to Rugby School was, that the master should be a Master of Arts, and he (Mr. Forster) should be very much surprised if that could be interpreted to be an express direction as to the education of the children.

Sir CHARLES ADDERLEY explained that he did not mean to convey that notion. He relied on the Act of George III., which provided that the children should be taught the formularies of the Church of England.

Mr. W. E. FORSTER said, that when the Endowed Schools Act was passed, it was clearly understood that an Act obtained so long after a testator's death as that which had been mentioned was not to be considered as one which ought to make a school denominational. He was convinced that the schools which they were considering when they framed the Act, and as to which they decided almost unanimously that they should not have a denominational character, and there should be no restriction on the Governing Body, were schools entirely similar to Rugby, Charterhouse, and Harrow. That being so, the House would see there would be great inconvenience in having one rule for one sort of public schools and one for another. He did not find fault with the Public Schools Commissioners; he thought if he had been appointed to interpret the Act, he might very possibly have taken the view of the hon. and learned Gentleman by his side; but the matter had excited public attention, and no one could doubt that if the Public Schools Act had been passed in 1868, and these schools had been left in the same position as other schools, they would have come under the Act in the same way, and we should have found the schools in question would not have had these restrictions attached to them. His right hon. Friend opposite had been scarcely fair to the hon. Member who moved this Motion. It was not an attempt on the part of the Nonconformists to get possession of the schools; but it had been forced on the House by the actual circumstances of the restrictions, which involved a practical inconvenience that had been pointed out with reference to the University of London. They were, therefore, forced to consider whether they should get rid of this exceptional restriction with regard to these schools; and considering the discussion that took place upstairs on the framing of the Endowed Schools Act, the strong expressions used about the will of the founder were scarcely applicable. It was a case in which it might be fairly said it was best for these schools that they should not be put in a position different from that of many other schools of the same kind. They had never had an opportunity of expressing an opinion about Eton and Westminster, because the Public Schools Act did not provide that where a Governing Body took advantage of their power of framing statutes they should be laid on the Table, consequently the House would not be acting inconsistently in taking action with respect to these five schools, as it had no opportunity of taking action with regard to the two schools. At the same time it was true that Winchester was differently situated from the others.

Mr. SCLATER-BOOTH said, it came to this, that the uniformity which it was so much desired to introduce was impossible of attainment without taking a much stronger step than was proposed, because Eton and Westminster had contracted themselves out of the operation of the Bill by taking advantage of the opportunity given them of framing their own statutes. A scheme was prepared for Winchester; but for some reason it was not adopted, and the consequence was that Winchester was in the position of the other four schools embraced by the Motion. He put it to the Home Secretary whether the same rule would apply to Winchester which would apply to Rugby and the Charterhouse?

Mr. BRUCE said, that if it were a cathedral school it would be exempt.

Mr. SCLATER-BOOTH said, that cathedral schools were but one description of those upon which a denominational character was impressed, but Winchester was in every respect essentially a Church school, and he wished to know whether its character was to be changed by a Motion of this haphazard and casual character. If the Public Schools Commissioners had thought it consistent with their duty to make any requirement of this kind, that membership of the Church of England should not be required of a member of the Governing Body, he should have thought that no great harm would have been done; but it was a different thing when Parliament went out of its way to interfere with the discretion of Royal Commissioners, entrusted with almost legislative functions. That the hon. and learned Member for Frome should take the matter up and the Government hang on his skirts was most extraordinary; for surely if the Royal Commissioners had fallen short of their duty the Government might have come forward on their own responsibility. Instead of that, the hon. and learned Member for Frome proposed the Motion, and the Home Secretary said it should have his hearty support. He thought it a very hard measure to be dealt out to these schools, and though he did not say that the Church character of Winchester School would be affected, he thought it was a serious thing for Parliament to interfere with the discretion of Royal Commissioners, and a step which would be likely to mislead public opinion.

Major WALKER moved the adjournment of the debate.

Motion made, and Question proposed, "That the debate be now adjourned."—(*Major Walker.*)

Mr. GLADSTONE: My hon. and learned Friend, as a Commissioner, thinks that an adjournment would be exceedingly inconvenient if we can arrive at a conclusion ["No, no!"], and the hon. Member who says "No, no!" is not a Commissioner, and has not the same means of forming a judgment. How stands the matter, and what is the point in difference? We do not differ about everything; and, as I understand, it is not contended that we ought now, in our legislative capacity, to consider whether or not members of the Governing Body should be members of the Church of England; that is not the question before us. The state of the case is this—Under the Act passed two years ago we made provision that in case trustees of public schools should, under certain circumstances, draw up statutes for the regulation of these schools, they should be laid before Parliament before receiving the sanction of the Crown; but there was no provision requiring members of the Governing Bodies to be members of the Church of England, nor was the principle laid down that religious opinion should not be a disqualification for being a member; but in the Act since passed the principle is laid down that, save in certain excepted cases, religious opinion shall not be a disqualification; and my hon. Friend contends, and I think he is right in contending, that inasmuch as Parliament has given to each branch of the Legislature the power of expressing its opinion upon these statutes before they can receive the assent of the Crown, it will be perfectly consistent for this House, in its legislative capacity, and in the exercise of the special function committed to it by this Act, to assert this principle—that the proceedings under the Public Schools Act of 1868 ought to be made conformable to the rules under the Endowed Schools Act of 1869. I do not speak of Eton and Westminster, because they are not before us. The contention of my hon. Friend seems to me to be fair. The subject being brought before the House in this particular manner, it is perfectly fair for the House, if it thinks fit, to express its opinion that the rule, deliberately adopted, and with general sanction on all sides, ought to be impressed upon the proceedings under the former Act. As to the question of fact which is involved, my right hon. Friend (Sir Charles Adderley) alleges that the provisions of the statutes of Rugby are such as will bring it within the 19th clause of the Endowed Schools Act as a denominational school. The House will remember that Section 17 provides that religious opinion shall be no disqualification for membership of a Governing Body, and Section 19 provides that in the case of two classes of schools the foregoing provision respecting membership shall not be applicable. What are these two classes of schools? The first is—

> "Any school which is maintained out of the endowment of any cathedral or collegiate church, or forms part of the foundation of any cathedral or collegiate church, or any educational endowment, the scholars educated by which are, in the opinion of the Commissioners (subject to appeal to Her Majesty in Council, as mentioned in this Act), required by the express terms of the original instrument of foundation, or of the statutes or regulations made by the founder or under his authority, in his lifetime or within 50 years after his death (which terms have been observed down to the commencement of this Act), to learn or to be instructed according to the doctrines or formularies of any particular Church, sect, or denomination."

Now, I understand my right hon. Friend to state that any school coming within those words should be excepted. [Sir Charles Adderley: Or coming within that principle.] Well, it is difficult to know how far we are at liberty to travel beyond the letter. We could not consent to adopt any other rule than that in the Act. There seems to be a difference of opinion as to the matter of fact, and I suggest that the objection of my hon. Friend (Mr. Hughes) might be gained and the challenge fairly given to hon. Gentlemen opposite if, instead of passing the Motion in the precise terms in which it now stands, we should pass it in a form which would refer it to the discretion of the Government, acting on their responsibility, to examine the matter of fact, and say whether in each of these five cases the schools did or did not come within the exceptions in the Endowed Schools Act. That, I think, is not an unfair offer to make, and it would bring to an issue the question raised by my hon. Friend in a manner conformable with his views. The form of the Motion would be for an Address to the Crown humbly to express the desire of the House that, in the exercise of the power conferred upon Her Majesty by the Public Schools Act, with respect to the five statutes for determining and establishing the constitution of the new Governing Bodies of Shrewsbury, Winchester, Harrow, Charterhouse, and Rugby Schools, Her Majesty would be pleased to see that such statutes correspond with Sections 17 and 19 in the Endowed Schools Act of 1869, and, if they do not correspond with the said sections, to disapprove of them, or so much of them, accordingly. I agree that, when such powers are given as were conferred in this instance, they ought not to be used for indirect or collateral purposes. But I think it is fair, as my hon. Friend says, to ask that the principle adopted in the later and more matured decision of Parliament shall be applied to the regulation of these statutes, and that is the basis upon which I should propose to found the Motion. It will be expedient to place the precise terms of it upon the Notice Paper; but I hope it will be admitted that there is nothing unfair in the assertion of such a principle.

Mr. HENLEY said, he was not sorry that the Home Secretary could offer no argument against his hon. and learned Friend except that supplied by the Endowed Schools Act. He did not suppose the Government would be so unjust as to insist on applying the principles of that Act in this particular case against the Church, and not act upon it when they came to the Elementary Education Bill in favour of the Church. The principle cut both ways, and he did not know how the Government could act on it, upon the one hand to destroy if, on the other hand, they did not also act upon it to save. The question now before the House was the adjournment of the debate, but the Prime Minister had suggested an Amendment which was apparently to establish a kind of universal principle on the data laid down in the Endowed Schools Act. He would not now offer any comment upon that principle; but if it was to be maintained in the one case, he hoped the Government would have the justice to maintain it equally in the other.

Colonel CORBETT protested against proceeding with the Motion until the other schools had had an opportunity of being heard.

Mr. BENTINCK protested against throwing over the solemn decision of a Committee the year after it had been arrived at. The Public Schools Bill had been discussed at great length, and he did not believe that this point was raised. As, therefore, a new doctrine had now been started, further opportunities were required for discussing the question whether faith was not to be kept by the Government in this matter.

Mr. R. N. FOWLER said, that the very important proposal of the Prime Minister ought not to be entered upon in a thin House, and in the absence of the four Members for the Universities.

Mr. T. HUGHES said, he was quite ready to withdraw his Motion, and substitute that suggested by the Prime Minister, which would then be placed on the Paper before the discussion was resumed.

Mr. NEWDEGATE, as a trustee of Rugby School, hoped the proposal of the right hon. Gentleman at the head of the Government would not be proceeded with to-night.

Motion, by leave, *withdrawn.*

Original Question, by leave, *withdrawn.*

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, humbly to express the desire of this House that in the exercise of the power conferred upon Her Majesty by the 9th, 10th, and 19th sections of the Act 31 and 32 Vic. c. 118, with respect to the five Statutes for determining and establishing the constitution of the new governing bodies of Shrewsbury, Winchester, Harrow, Charterhouse, and Rugby Schools, Her Majesty will be pleased to ascertain whether the said Statutes correspond with the provisions of the 17th and 19th sections of the Endowed Schools Act of 1869, and, if they do not correspond with the said sections, to disapprove of them, or of so much of them, accordingly."—(*Mr. Thomas Hughes.*)

Debate arising.

Debate *adjourned* till *Friday.*

BENEFIT BUILDING SOCIETIES BILL.

On Motion of Mr. Gourley, Bill to consolidate and amend the Laws relating to Benefit Building Societies, *ordered* to be brought in by Mr. Gourley, Sir Roundell Palmer, Mr. Stevenson, and Mr. M'Cullagh Torrens.

Bill *presented,* and read the first time. [Bill 116.]

CORRUPT PRACTICES.

Committee *nominated* as follows:—Sir George Grey, Mr. Disraeli, Sir Roundell Palmer, Mr. Russell Gurney, and Mr. Bouverie:—Power to send for persons, papers, and records; Three to be the quorum.

House adjourned at One o'clock.

HOUSE OF COMMONS,

Wednesday, 4th May, 1870.

MINUTES.]—Public Bills—*Second Reading*—Women's Disabilities [31]; Public Prosecutors [45]; Education of the Blind, &c. [47], *debate adjourned.*

Committee—Report—Felony (*re-comm.*)* [103]; Mortgage Debenture Act (1865) Amendment* [78].

Considered as amended—Attorneys' and Solicitors' Remuneration* [6].

Third Reading—Oyster and Mussel Fisheries Supplemental (No. 2)* [100], and *passed.*

WOMEN'S DISABILITIES BILL—[Bill 31.]

(*Mr. Jacob Bright, Sir Charles Dilke, Mr. Eastwick.*)

SECOND READING.

Order for Second Reading read.

Mr. JACOB BRIGHT*: Sir, I rise to move that the Bill for the Removal of the Political Disabilities of Women be now read a second time. If that Bill should pass into law, women will have votes in boroughs if they are householders, if their names are on the ratebooks, and if they pay their rates. Women will have votes also in counties if they are householders, and if their houses are rated at £12 and upwards, or if they should be possessed of any description of property which now entitles men to vote. The House may desire to know to what extent women would be enfranchised if this Bill became law. I have Returns of the number of women on the burgess rolls of a great many municipal towns, and I will just state one or two facts from that list. I notice that the largest proportion of women who are municipal voters is to be found in Bath, where there is 1 woman to 3·8 men. I notice that the smallest proportion is to be found in the town of Walsall. There I only find 1 woman to 22·9 men. The peculiar circumstances of these boroughs would, I have no doubt, easily explain that great difference. But I may mention two or three other towns, as showing what I believe would be about the average number of votes of women in proportion to men in the other boroughs of England. In the town of Bristol there is 1 to every 7 men; in Manchester 1 to 6; in Newcastle-on-Tyne 1 to 8; in Northampton 1 to 13; in York 1 to 7. When we last discussed in this House the question of the extension of the franchise, there was a great fear entertained by those who were within the political pale lest, by admitting those who wanted to get in, they would be swamped. I think that was the term that was then generally in vogue. Even the hon. Member for Pembroke will admit that the number of persons we propose to enfranchise by this Bill is so small that no fear need be entertained on the present occasion. The aristocratic sex—that sex in whose hands are nearly all the material privileges of life—would still be dominant in the government of the kingdom. I advocate this claim of women to the franchise on the grounds of public justice and of practical necessity; and I may say in passing that unless I thought that this matter was one of great practical importance, I should certainly have left it in other hands. The difficulties in the way of legislation on the part of private Members in this House are so great, that no one would undertake it unless moved by a strong sense of justice. Now, it should be remembered, that Parliament does not give votes either to men or women. There are thousands of men who have no votes. There are men in every position of life—and of every degree of intelligence and education—who have no votes. Parliament applies a certain test and give votes to all those men who can submit to that test. If a man is on the rate book and pays his rates, then, though he belong to the fraternity of London thieves, though he be an habitual drunkard, or a returned convict, though he may belong to the class of those who are so ignorant that they scarcely know the name of the Sovereign who sits upon the Throne—yet, if a man be able to submit to the test, whatever his position or character may be, he is at that moment admitted to the rank of voter, and enabled to influence the proceedings of this House. It does seem a strange anomaly that this test—that this qualification—which works such magic with men, is wholly inoperative with women, and that no matter what a woman's position may be—how much property she may have—how much intelligence she may possess, she is still excluded from the franchise, though able to come and submit to every test which Parliament has established. If there were some burdens from which they escaped which fall upon men, I might suppose that there was some kind of answer to be given to this claim. But I know of no such burden, and the only attempt of which I have ever heard to make it appear that women do not share all the burdens of men, is the attempt to show that women take no part in defending their country. It must be remembered, however, that no man is compelled to defend his country. It is a voluntary matter. We hire those who defend the country, and if women as well as men pay the taxes into the Exchequer which enable us to pay those who defend the country, that is a sufficient answer to the argument. I think Florence Nightingale could tell of the services of women who have done something even in defence of their country. The services in the hospital are almost as necessary as those which are performed in the camp; and women are always ready for that or any other kind of service. There has always been great anxiety on the part of men to possess the franchise. From the time that I was a boy I remember associations of various kinds, differing in strength, but always laboriously at work to procure the Parliamentary vote for men. We know very well that men have sacrificed their liberty and perilled their lives in pursuit of this object. In our own generation this has been the case over and over again. Does the House suppose that these men have been misguided, that they have been following a phantom, and that that which they have desired has been of no use to them? On what ground have men always displayed this great anxiety to vote for Members of Parliament? Why, they have told us that an equal share of taxation fell upon them, and, therefore, that they ought to have some control over the expenditure of this taxation. They have told us that it was not within the power of this House either to enact a law or to repeal a law without affecting advantageously or disadvantageously the whole people of the country. The non-electors made another statement. They said—"Your exclusion of us from the political pale is tantamount to a declaration of our moral and intellectual inferiority. It diminishes our own self-respect; it takes away from us the respect of the other portions of the community; and it necessarily makes our career in life far harder and less successful." Is there any one of these reasons which men have so persistently urged for admission to the franchise which does not apply with equal, and even with greater, force to women? Is there a single tax which men pay which women do not pay also? Is the ability to pay on the part of men and women equal? There is not a male and female rate of taxation, but there is a male and female rate of wages and earnings. Women everywhere, with a few remarkable exceptions, are getting far less money than men; they have to work much longer for the same money; and they are even paid much less when they are doing precisely the same work. Taxation must, therefore, fall somewhat more heavily upon women than upon men. Are there any laws imposing restrictions and obligations on men—any laws of a penal character—from which women escape? No; but are there not laws of recent origin which fall with terrible harshness upon women, and which place their peace and security in peril? Are there not such laws—laws from which men wholly escape? These laws may be just and necessary. It is not for me to discuss them at the present moment. My hon. Friend the Member for Cambridge (Mr. W. Fowler) will give the House an opportunity of defending them in a short time; but I have a right to say that the fact that one sex legislates for another and imposes burdens upon an unrepresented portion of the people, which it does not take upon itself, forms an additional reason why women should ask for the suffrage, and strengthens the claim which I am urging at the present moment. If it be true that men felt when they were excluded from the franchise, that it was a mark of great disrespect and injurious to their position, will not women have the same feeling? There are inferior men in every rank of life. They have no objection to degrade women and keep them in degradation. So long as Parliament legislates in this way, so long as it puts them in an inferior position politically, it gives considerable support to the course taken by the class of men to whom I have referred. At the present moment what does Parliament say to women who are occupiers and owners of property? It says to them—You are fitted to vote in local matters—in small concerns which do not greatly affect you you are entitled to have your vote; but when we come to Imperial affairs, then you are disqualified, and we refuse to admit you. But I am told that the theoretical arguments on this subject cannot be answered; that theoretically women undoubtedly have a right to that which they claim; and the advocates of this measure are asked to deal with it practically. We are asked to show of what injustice women complain, and what changes they would propose to make in case they were admitted to political privileges? All these questions were put to the non-electors of England previous to the Reform Bill of 1867, and I believe they were not unsatisfactorily answered. But I undertake to say that the inequality of the law betwixt voters and non-voters prior to 1867, was as nothing compared with that which now exists between men and women. Allow me, then, to call attention to some of these inequalities. I am not going to say how they should be altered; but I have a right to point out that they exist, and that they have been made by that portion of society having power against that portion which has no power. Take the law as it affects married women. I may be told that this Bill would not give the franchise to married women. That is quite true. This is a practical measure. It is only in our power to give votes to those who can submit to the tests which have been established by Parliament; but we propose to give the franchise to those who have been married and are widows, and to spinsters who are yet to be married. I contend that this would give adequate security to the whole sex. Look for a moment at the law with regard to the property of married women. According to the common law of England, a married woman, in regard to the rights of property, is in the position of the negro in the Southern States of America before the American Revolution. She cannot control her property, and she has not the possession of one farthing of her earnings. According to my view, the possession of property is necessary for education, and for the proper development of character. Be the woman ever so prudent, be the man ever so imprudent—be the woman ever so sagacious, and be the husband ever so imbecile, still he has absolute control, not only of his own but of hers. Sir, the House is agreed upon this question, and is unanimous upon the injustice of the present law. The hon. Member for Chester (Mr. Raikes) is of the same opinion as the right hon. and learned Member for Southampton (Mr. Russell Gurney). I may, then, be asked why need women have votes, if they can obtain redress without them? It is one thing to acknowledge an evil and another to find a remedy for it. We legislate in the following order:—First, for those who can make themselves dangerous; next, for those who exercise a pressure at the polling-booth; and lastly, or not at all, for those who have no votes, and therefore no constitutional influence. The Married Women's Property Bill has three times received the sanction of this House, and it has been twice before a Select Committee; but he would be a very imprudent man who would undertake to say when it will become law, or, further, that it will become law without greater mutilations than it has yet received. But that is not the way in which the class which has the franchise is treated. Look at what has been done with regard to the working classes since the passing of the Reform Act of 1867. I have seen Members of this House sit here till daylight in order to defeat the Married Women's Property Bill, which seeks to prevent the confiscation of the property of a vast number of persons, and I have been glad to see the same hon. Members competing in this House in their desire to protect the funds of trades unionists and to protect the trades unions themselves. That is the effect of the franchise. Last Session the Government brought in a Bill to protect the funds of trades unions, and this year they propose to introduce another Bill to put these associations on a more satisfactory footing; but I am afraid it will be a long time before the Government undertake to deal with these questions which belong to a portion of society among whom the franchise does not exist. But let us look a little further at these inequalities of the law. Look at the position of a woman who loses her husband. If he die intestate, the law protects her and gives her a certain portion of the income arising from his property, whatever that property may be; but if he choose to make a will, she is left entirely to his justice and mercy. I do not deny that the majority of widows are fairly treated in this respect; but it must be remembered that when we pass laws we do not legislate for the majority; we legislate because of the existence of that minority who possess neither justice nor mercy. I have known many cases of this sort. Take the case of a couple just entering life in one of the industrial districts of England. They begin life often with nothing but good character and intelligence. The man works at his business; the woman attends to him and to the family; and the man often becomes rich. If the law were equal, the wife would have some kind of security with regard to that wealth which she had helped to make. As I said before, I do not propose to say what changes should be made in these matters; I merely point to an inequality, and I may remind the House that these inequalities have been made by a section of the community. It is required that a woman should receive 10 times the provocation that a man receives before she can obtain a divorce. A woman has no control over her children when they become seven years of age: the husband may part them from her when they reach that age. I know the case of a lady who was deserted by her husband when she had one child. Amidst much suffering she had to get a living for herself and her child, and when the child was seven years old, because she importuned her husband for some assistance, he threatened to take away the child, and she had to conceal both herself and her child in order to escape the danger. I might say something also in regard to education. It is to me a very painful thing to see the difficulties which women have to contend against in order to get anything like a high education in this country. Women are charged with being frivolous; but that charge is very often made with great frivolity, and it is too often made by those who look at women through the medium of what they call society. So long as it is the custom of the country for women only to be admitted to the frivolous occupation of men, it is likely that that charge will continue to be made. Men and women may mix at the dance, the pic-nic, and the theatre; but when they go to the lecture room it is considered improper. However, there is a class of men growing up who consider these things, and they believe that the morality of this country will be greatly improved when the lecture rooms are opened to all. I might even go to the primary schools, in order to show what is the influence of those above upon those below. There is a great free school in Manchester—an admirable school—which takes children out of the gutter; but it only takes in the male children, and the girls are left in the streets. Surely such a thing must have a very bad influence upon those boys and girls. I am glad that in this proposition, which I now make to the House, there is nothing of a party character, though I must say that this is the first proposition for the extension of the Parliamentary franchise which has ever been free from party conflict, and from the passions arising out of that conflict. When this proposition was made to the House in 1867, by Mr. John Stuart Mill, it received a very general support. Five of the Members of this House who supported that proposition are now Members of the present Government, and that does not exhaust the Members of the Government who are in favour of this Bill. There were also many eminent Members on the opposite side of the House who supported the proposition. The opinions of the Leader of the opposite party are, of course, no secret. I am sorry the right hon. Gentleman the Member for Buckinghamshire is not now in his place, because if he had been, I think he would have supported this measure. I have an extract here from one of his published speeches, in which he says—

> "In a country governed by a woman, where you allow women to form part of one of the Estates of the Realm—I allude to the Peeresses in their own right—and where they have power to hold manorial courts, and may be elected as churchwardens or overseers of the poor, I do not see, where a woman has so much to do with the Church and with the State, on what reason, if you come to right, she has not a right to vote."

But the right hon. Gentleman made a still more direct avowal of his opinions in a debate in this House in April, 1866, when he said—

> "I have always been of opinion that, if there is to be universal suffrage, women have as much right to vote as men; and, more than that—a woman having property now ought to have a vote in a country, in which she may hold manorial courts and sometimes acts as churchwarden."—[3 *Hansard*, clxxxiii. 99.]

But, whatever claim I may have on the support of hon. Members on that side of the House, I feel that I have a stronger claim upon the great Liberal party to which I have the honour to belong. I do not know what meaning we are accustomed to attach to that word "Liberal" on this side of the House; but to-day I do not ask for liberality—I ask only for the barest justice. According to our professions on every hustings, we have certainly said that if justice does not require that every individual should have a vote, it does require that every class should be represented; and we have established it as a political axiom, that no class ever will receive legislative equality at the hands of another class. We have always said that those who are called on to obey the laws should have some voice in making the laws, and that representation should follow taxation. I have been met by this argument from some of my political friends: they have said —"Our principles do not require that we should support your Bill. We are in favour of good government; that is our only aim. We will enfranchise those who are fitted to be enfranchised; but we deny that women are fit, and we shall, therefore, oppose your Bill." Now, let me examine that argument for a moment. In the first place, it strikes one as not being very new. No class has ever asked to be admitted within the political pale in this or in any other country without receiving that answer; and in this country, at any rate, no class has ever been admitted to the franchise without great advantage to itself and the country. In the Southern States of America, in the Northern States to a very large extent, and in this country to a great extent also, the people were told before the American War that the negro was not fit for freedom. People never are fit for freedom or for constitutional rights until they obtain them; but now there is not a man in America who would like to go back to the terrible state of things which existed before the Civil War broke out. It was commonly said in America that the negro was not fit for the vote; but a negro population of 4,000,000 has now become enfranchised, and no one will deny that the peace and prosperity of these Southern States have been secured by that great legislative change. I confess I am surprised when I am told that women, as a class, are unfit for the franchise; women who are the subjects of a female Sovereign, are engaged in many literary pursuits; who are at the head of educational establishments; who are managing factories and farms, and controlling thousands of businesses throughout this country! If I am told that many women are not fitted for the franchise, I am bound to admit it; but, then, the same thing may be said of many men. Anyone who says that women generally are not fitted in point of intelligence for the franchise knows very little of the agitation which has produced this Bill. There has never been an agitation more ably conducted by the various ladies who have taken part in it; and, considering the small means at the disposal of women, there never was a question which made such rapid progress in so short a space of time. I have been told, also, that if this Bill were to pass, the Government would be handed over to the Conservative party in the very crisis of the country's fate — these are the very words I have heard used. Well, I take consolation from the fact that this country has sometimes even survived a Conservative Administration; but if there be any meaning in an argument of that kind it is this—that if the country were properly and justly represented, we should be sitting on the other side of the House. Now, I do not believe a word of it. I have paid some attention to this question, and I have considered the objections raised against the possession of the franchise by women on the ground that they would be Conservative; but I will not enter into a discussion of that point now, because I think every man will vote according to what he takes to be the justice and reason of the case, and not ask whether women are Conservative or Liberal. I will, however, undertake to say that there would be no change in the balance of parties. There would be one great change, which would be this—from the moment women obtained the franchise, even though an election might not take place for several years to come, whenever a question affecting their interests came to the front, it would receive an amount of attention and consideration which it would not, and could not, receive now. I have heard both in the Lobbies of this House, and in other places, many things said in opposition to this Bill, and some of the objections are very peculiar. I have been told that women are too religious; that they have too much respect for the clergy and for religious teachers in general; and that, therefore, they should be subject to political disabilities. We have had in this House some earnest discussions, to be followed by many more, on the question of education; and there is a predominant feeling in favour of giving, in some way or other, a religious education to children. I hope, if the fact of being religious is to be followed by political disabilities, that we shall not succeed too well in that task. It is true that the religious sentiment is stronger in women than in men; their path in life is a harder one, and law and custom, instead of coming in aid of their weakness, too often trample upon it and bestow their favours on the stronger sex. That being so, it is not remarkable that women, more than men, should seek consolation and strength from that Power before whom, at least, all human beings are equal. I have also been told that women should not be political, or, in other words, that it is the duty of women to be politically ignorant. I might as well be told that grass should not be green; and, no doubt, if you sufficiently excluded air and light and moisture it would no longer be so. Women are political, and they cannot fail to be so in the circumstances in which they are placed. They are born in a free country, where public meetings are held on every variety of subjects, those meetings being open to everybody; they are born in a country where we have a daily Press which is the ablest, the most interesting, and the cheapest which the world has ever known. We were told some time ago by the right hon. Gentleman the First Minister of the Crown, that eviction notices fell like snowflakes in some parts of Ireland. The daily papers fall like snowflakes in all our houses; and if we are not to make our women political, we must shut the doors against the Press. To tell me that women should not be political is to tell me that they should have no care for the future of their children, no interest in the greatness and progress of their country. If it be true that women are not to be political, then we ought logically to take away from them the only shred of privilege which connects them with this House—the privilege of petitioning this House. Tens of thousands of women's names have been sent to this House in Petitions this year. We are supposed—[here the hon. Gentleman pointed up to the Ladies' Gallery]—not to know that there is a Gallery behind that screen; but I have noticed that it rarely happens that an hon. Gentleman comes down to make an important speech without his having some one or more of the female members of his family up in that Gallery. If women be deteriorated by political knowledge, I think the female members of the families of Members of Parliament must be in a very deplorable state indeed. I have visited them at their own homes, but I have never found that deterioration: on the contrary, I have found with larger knowledge more vivacity and interest; in short, an intellectual flavour not always to be found elsewhere. An objection, considered to be a very great one with regard to the franchise, is, that women themselves do not care for it, and would not use it if they had it. But no one who has paid any attention to the facts of the case would raise that objection. Before the Municipal Franchise Bill gave municipal rights to women—I know this to be a fact because I made the inquiry in the neighbourhood with which I am most acquainted in Lancashire—where women had the power of local voting they used that power in the same proportion as men; and I have found that since the Bill of last year came into operation, in many municipalities they have voted in nearly an equal proportion with the men, while there are cases in which the polling of women has exceeded the polling of men. But it should be borne in mind that by passing this Bill we do not compel women to vote. There are a great many men who have no interest in politics at all, and who do not wish to vote; and unless we had organized associations to arrange the matter for them, many of them would never be upon the register at all. Let me state what is the present position of women with regard to the power of voting in this country. They vote in all local matters; they have every parochial vote; they have votes in corporate and non-corporate towns. In the non-corporate towns and in parishes they vote under the conditions of what is known as Sturges Bourne's Act, according to the property they are rated for. Thus, a lady of property may have as many as six votes, while her servant—her gardener or her labourer—has only one. But is it not an absurdity that a woman can have six votes and her man-servant only one in local matters, while in Parliamentary elections the poor man retains his one vote, while the woman, who is in a high position and owns large property, has absolutely none. Last year's legislation appeared to me as if it should settle this question of the Parliamentary franchise for women. Without any Division in either House of Parliament, and with only one single voice raised, and that not with any earnestness, against it, women were admitted to vote in all our municipal elections. Women go up to the poll, they do not vote with the quiet of the Ballot, but they go up openly and give their votes once a year, not once in four or five years, and it must be borne in mind that these municipal elections have become as completely political as any Parliamentary election could possibly be. I do not know how or on what argument we can now say to women—"No; you have come so far, but you shall not come any further." I should like to read a single sentence from the speech of Lord Cairns, made in the other House of Parliament when the Bill of last year passed, and when the Earl of Kimberley spoke on one side and Lord Cairns on the other. Lord Cairns said—

> "As an unmarried woman could dispose of her property and deal with it, he did not see why she should not have a voice in controlling the municipal expenditure to which that property contributed?"

Does anyone dissent from that statement? But if it be just and right that a woman should be able to control the municipal expenditure to which her property contributes, should she not have a right to control the Parliamentary expenditure to which her property contributes? The local expenditure of the country amounts to about £20,000,000, and the Imperial expenditure to about £70,000,000; and, if justice requires that she should have the opportunity of controlling the expenditure of the smaller sum, is it not unjust to deprive her of the means of controlling the expenditure of the larger? But we want votes for something else than merely to control the expenditure of our money. Parliament can confiscate the property of women, and it does so to a large extent. It can deal with liberty and life, and pass laws affecting the happiness of people in the remotest cottages of the land—matters of far greater importance than anything connected with expenditure. I see that an hon. Gentleman opposite has put a Notice on the Paper for opposing my Bill, by moving the Previous Question. When I first saw that Notice I asked a Member of great influence in the House what he thought of it, and he replied that it was rather a shabby way of meeting the question. I will not apply that or any other epithet of the sort to it. One remembers occasions where it was both justifiable and intelligible to take such a course as that which the hon. Gentleman proposes to adopt; and, for anything I know, that course may be quite justifiable now, but I cannot decide the point, as it is unintelligible to me. I could suggest a more manly course; and we should remember that, up to now at any rate, this House is the creation of masculine constituencies. If the proposition that I make is not founded on justice and reason, it would, I should think, be more agreeable to the feelings of hon. Members who oppose me to give a distinct "No" to this proposition. But if, on the other hand, the claim women make upon this House be founded on justice and on reason, then let us freely concede it. I have been told that the Government are to stand neutral on this question. Well, unfortunately it is the characteristic of all Governments to be so engrossed in attending to the wants of the powerful that they can seldom give any kind of consideration to the claims of the weak. I shall forbear quoting from the speeches of the Prime Minister; but I do remember burning periods of his in speeches which he delivered in this House and elsewhere—which did much to create enthusiasm in the country, and to place him high in the hearts of the people—that are as applicable to the case now before us as to the occasions on which they were uttered. There is, however, one thing which consoles me when I reflect upon this. There is nobody more open to conviction in this House than the First Minister of the Crown, and, when he is once convinced, there is nobody more resolute in carrying out his convictions. One word more, and I will no longer trespass on the kindness and forbearance of the House. There is a very general movement in favour of this Bill—a movement which exists in almost every part of the three kingdoms. There have been many Petitions during the past three Sessions in favour of it. During the three short months we have already sat here this year, more than 100,000 names have come up asking us to pass this Bill. The persons who sign these Petitions only ask from a household-suffrage Parliament a Bill that will establish real household suffrage. They complain that it is not fair that a house should be passed over because a woman happens to be at the head of it. The women who are interested in the subject are only acting in the spirit of one of the noblest proverbs of our language—"God helps those who help themselves." Is it a matter of regret to us that they should have these aspirations? Ought it not rather to be a matter of satisfaction and of pride? That this Bill will become law no one, who has observed the character of the agitation, and who knows the love of justice of the British people, can doubt. I hope it will become law soon, for I have a desire, which will receive the sympathy of many in this House—I have a strong desire that when our children come to read the story of their country's fame, it may be written there that the British Parliament was the first great Legislative Assembly in the world which, in conferring its franchises, knew nothing of the distinctions of strong and weak, of male and female, of rich and poor. I will conclude by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Jacob Bright.*)

Colonel SYKES said, he would express his opinion of this measure, not by indulging in sentimentalities on the rights of women, but viewing the matter simply as a practical question. It resolved itself into a matter of money—a mere question of money. The payment of certain rates entitled persons to vote for a Member of Parliament, those persons being the rated occupiers of any dwelling-house of the value of £10 annually, or the rated occupiers of any premises other than a dwelling-house of the annual value of £10, and lodgers of the annual value of £10—so that it was a mere question of money; having nothing whatever to do with sex. There were in his city of Aberdeen 185 women householders, from each of whom he presented a Petition to the House. They had fulfilled the legal conditions imposed by Act of Parliament, and therefore they were as much entitled to vote as any of the other 14,000 voters in Aberdeen. What did it matter, so long as a party fulfilled the conditions of the law, whether that party wore petticoats or a pair of breeches? Of the Petitions presented in favour of the Bill, 21 were Petitions under seal, and 230 others contained 94,760 signatures; and that was a good proof that the feeling was pretty extensive throughout the whole kingdom. It might be said that if they granted the privilege to women they would probably affect the returns at contested elections. But what would be the total amount of the influence that could be brought to bear in that way? In Aberdeen there would only be 185 women out of 14,000 voters. In a small borough the women might probably turn the scale, in case they all voted on the same side—an event not very likely—but these were exceptional instances, having nothing to do with the principle. He would tell the House what the India Company did. For 100 years they granted to women having the money-qualification a right to vote. And for whom? Why, for 24 men who, in position, dignity, and power, were at all events equal to any Members of that House, for they had to govern 200,000,000 of people; whereas each of us here represent only the 658th part of a Legislature for governing only 30,000,000. Under these circumstances, he did feel that they were doing a great deal of injustice to the female community. They were as capable of exercising the franchise as men were, and they had a full right and title to exercise it.

Mr. SCOURFIELD, in rising to move the Previous Question, said, that he would not go into the question of the rights and dignities of women, or their relative inferiority or superiority to man; but the main proposition which he wished to maintain was, that they had no sufficient evidence that it was the wish of the women of England to have this privilege conferred upon them, and that there was very strong presumptive evidence that they considered it to be a possession something like what was known to the lawyers as *damnosa hæreditas*. The same reason that prevented women from desiring to have these privileges conferred upon them prevented them from getting up an agitation in opposition. They were bound to look not only at the express declarations contained in the form of Petitions, but also upon whatever other evidence would guide them to a conclusion as to what their real wishes were. Now, he had asked the question of many women, and almost invariably the answer he received was, that they would much rather not have these privileges conferred upon them. He had asked other persons the result of their inquiries, and it had uniformly been the same. There was a better mode of getting at the real feeling of the people than by the presentation of Petitions. They all knew how Petitions were got up; and he thought they could not do better in such a question as this than follow the advice, in ascertaining the real feelings of the people, of one of the greatest men who ever lived—a piece of advice which threw much light on the character of that extraordinary man. Amongst the invaluable pieces of advice which Napoleon gave to his brother Joseph, he said—"Collect opinions one by one, but not in councils." Now reverting to the general subject, he thought the House would see what a good reason women had for not wanting the franchise. One of the inexorable conditions on which life was given was that of not having two opposite chances. They could not be on one side of a question and on the other at the same time. The extension of privileges conferred an extension of responsibility. If women were to have these extended privileges, many immunities which they now enjoyed must be removed. That was the inexorable condition on which life was maintained. If they were to extend their political influence, they could not expect to assert so much of their social influence. If their social influence was maintained in the way it had been maintained throughout England, a considerable amount of political influence must follow; but if they fixed their minds exclusively on political things, their social influence must be weakened. Influences must be distinct and divided without assigning a relative position of superiority and inferiority. It did not follow when the two influences were perfectly distinct that what was good for the one was necessarily good for the other. To use an illustration, it seemed to him that men and women were travelling in the same direction on different, yet parallel lines, charged with the freight of human happiness, and they might have much happiness as long as each party kept on its separate line; but, if one or the other got into the wrong groove, he was afraid their stock of happiness was likely to be greatly reduced. He would give an example in point from *Boswell's Life of Johnson.* Boswell asked Dr. Johnson his opinion of the merits of a woman's preaching. Dr. Johnson's reply was—"I consider a woman preaching like a dog standing on its hind legs; it was not done well, but the wonder is to find it done at all." He (Mr. Scourfield) did not wish women to enter into competition with dancing dogs, and to show their wonderful powers in doing things which they were not expected to do, and which there were many disadvantages to their executing in a proper manner, and in a manner equally efficient with men who perform them under totally different circumstances. Their vocation was a high one. Their vocation was to make life endurable. The prospects of society in regard to the diffusion of general education without much originality or deep thinking, was one of the darkest clouds that hung on the horizon. There was a predominance of persons who wished to lecture and talk over those who wished to listen. They were threatened with the universal dominion of talkers and bores, and among the influences which frustrated that alarming tendency—that of women was one of the most effective; but, if they went into the same line of business as the men, there was nothing left for us but to pray for an early consummation of Dr. Cumming's prophecy. He protested against being accused of making any allegation of their inferiority. He had no doubt that their vote would be given on as good and pure principles as any of the men; but he wished to remind hon. Members of one circumstance. The House, by a decisive majority, refused to adopt voting papers at elections. If voting papers had been allowed, women might have recorded their votes without being under the necessity of giving personal attendance at the poll; but now they must give their votes by personal attendance, and be exposed to all the annoyances to which everyone who had taken part in a contested election knew very well that persons who engage in these matters were invariably subjected. It was said that they need not vote if they did not like; but they knew that when a district became excited election agents would hunt out the name of every person who could vote, and careful inquiry would be made as to every influence that could be brought to bear in order to get them to vote in favour of a particular candidate. In this way women would be subject to an amount of annoyance and persecution of which they had little idea at the present moment. He wished to see women continue in that vocation in which they were engaged, and doing all that was admirable, amiable, and delightful; but he had no wish to see them engaged in the line of the exceptional and the wonderful. He begged to move the Previous Question.

MR. W. FOWLER: If there can be any man who has a right to second this Motion it is I, because I have shown my desire to help the cause of the women of England in a way which I think very few other Members have ventured to do in the Motion of which I have given Notice for the 24th of this month. But, Sir, while I have the strongest feeling with regard to the injustice which has been done them by particular laws in this country as they now stand, I am not prepared to say that they should enter into political life. I quarrel with the title of this Bill. I do not think it a disability of women that they have no votes. I consider it rather a privilege that they have no votes, because they are therefore not expected to enter into that arena in which some of us are actively engaged. I entirely agree with the hon. Member for Manchester (Mr.

Jacob Bright) that they have the same interest in the goodness of the laws which we have, and that the laws affect their happiness just as much as ours; but I say that they should take care to influence their husbands and their friends to put right-minded men into this House, and then their interests would be properly looked after. It is an entire delusion to say that they have no great political influence. I believe women have immense political influence. I saw a good deal of it in the contested Election of 1868. I maintain that their influence is extremely powerful in this country, and I am not prepared to say that it would be much more powerful if this Bill were passed. I am one of those who have the highest possible opinion of the capacity of women. I have, from a variety of circumstances, been brought into contact with women of the highest intellect and the highest character, and I will yield to no man in my estimate of their powers and their abilities. I consider that the sphere of their influence is at home. I consider that they have a duty to perform as important, if not more important than the duties that fall to men. They have to educate their children; they have to adorn the sphere in which they live; and to perform duties with regard not merely to the rising generation but with regard to their husbands, their brothers, and all their friends which are of an importance that cannot be exaggerated. I think myself—if hon. Members will excuse me for saying so, that their powers, although very great, are in some respects very different from the powers of men. We no doubt find cases in which a woman is able to express herself in public with wonderful eloquence and skill; but, speaking generally, I must say that I think that position is not a natural position for women. Then, again, I think that their powers, with regard to political matters, are rather powers of reflection than of action. They are perfectly well able to think about these things; they are able to influence those whom they know; but it does not thence follow that they should rush to the polling-booths, and be actually engaged as men are in these matters. I think their powers point to a different vocation and a different sphere. Now, with regard to that, I want to ask hon. Members where this is to stop? It appears to me that if the argument that has been used is good, there is no reason on earth why women should not be elected Members of Parliament. There is not a single argument which has been used that does not end in that. If they have equal powers, and equal capacities, and equal rights before the law, and if, therefore, they are to have votes, and ought to enter into the political arena, where does that end? In this House. If I gave my vote for this Bill, I should feel bound to give my vote to admit them as Members of this House. I defy anyone to find out a logical standing place between the two. It has been said that we have given them the municipal vote. My impression is that we have gone too far in giving them the municipal vote; but it does not follow that we should go further in a wrong direction. The argument is plausible; but I think there is no weight in it, unless we are prepared to give up the whole question, and admit that there is no kind of difference of vocation between men and women. The more I think of the Bill of last year, the more clear I am that it sanctioned no such principle. We have been told a great deal about the rights of women being neglected; I agree very much with what my hon. Friend said upon that point. I consider the state of the law with regard to the property of married women to be a scandal and disgrace to this country, and I think that nothing can exceed the harshness and injustice of that law. I know the case of a woman who has been sent from affluence to penury merely because her life interest in her property was not settled upon her at the time of her marriage; and I do hope that the Bill of the right hon. and learned Gentleman the Recorder of the City (Mr. Russell Gurney) will be passed in this House by a large majority. But it does not follow that women must necessarily have a vote. All that follows is that we should have right men sent here, who will do justice to all classes of society. The hon. Member says that women will never have justice until they have direct representation. I dispute that proposition. I think there are numbers of men in this House who are anxious and desirous to do justice to every class. A vast number of men in this country have, in fact, no votes, and are we to be told that they are treated with injustice systematically because they do not possess the franchise? I am not prepared to say that the time may not come when we may extend the franchise further; but, so far as I can see, we have not had a conclusive argument to show that women must be in the number of the included. I must say that I was a little surprised at the great stress which has been laid upon the question about money. It has been said that taxation and representation go together, and that if you pay taxation you ought to have a voice in its expenditure. That is a plausible argument; but it seems to me that a vote means a great deal more than a question about money. Hon. Members will admit, I think, that we deal with questions of far greater interest, and affecting us more in our daily life, than even the question of the payment of taxation. Therefore, the mere fact that a woman has a vote with regard to the expenditure of the taxes of the neighbourhood in which she lives, is no argument that she should have a vote with regard to the large questions which are involved in the proceedings of this House. The whole question is this—Are women, or are they not, to enter into political strife like men? That is the real point at issue. I confess that I am somewhat surprised at the remarks which have been made about married women. It is said they should have no vote because their husbands have votes. That is an argument which is not to me conclusive. A married woman is an existing entity, although she is married. She very often differs *in toto* from her husband in political matters; but, except in some cases where she has the influence described in a vulgar proverb, she is unable to influence the vote of her husband as she wishes. It may fairly be argued that she has the right to vote as much as any other woman. It is quite true that she does not pay taxes; but I dispute the proposition altogether that voting for Members to serve in this House is to be based entirely on the question whether a man pays taxes or not. When you bring in this question about women's rights, you bring in an argument far higher than that. I consider that a married woman would have a fair right to say that she was unjustly used if you admitted spinsters to have votes. The hon. Member has referred to the immense inequalities existing in the law. My answer to that is all the same. What is wanted is not that women should be put upon the roll, but that women should use that legitimate influence which they possess to see that men of right views and feelings are sent to this House. I admit fully that the question has two sides. If you treat a woman as a man—having exactly the same powers and faculties as a man—there is a great deal in the argument which says that she is to have the same political rights. But when we look deeply into the matter, and see all the consequences which are involved in it, the more satisfied I am that we are safer as we are. I do not like to see women mixed up so much in all political questions. It is quite right that they should have their opinions, and that they should state their opinions and act upon them; but I do not desire to see a constant succession of women lecturers going about the country. I have shown, as I said before, my deep sympathy with the wrongs of women, and I am prepared to show it in every possible way that I can. But when I am asked to admit women to the same political privilege as men, I find that I am unable to agree to it. I hope that this House will by a decisive vote maintain the position we have hitherto maintained, and that we shall come to the conclusion that it is not a disability that women should not have a vote, but that it is rather a privilege that they should not be mixed up in political strife. On these grounds I am unable to vote with my hon. Friend behind me (Mr. Jacob Bright), though I do so with considerable regret, lest it should be thought I am wanting in sympathy with women. I desire to state, and make it most clearly understood, that my motive in doing so is to save them from what would be rather an injury than a blessing.

SIR CHARLES W. DILKE: * Sir, I rise under somewhat peculiar circumstances, because I have to support this Bill against the Motion of the Previous Question, which has not, I think I am justified in saying, been defended by a single word. To treat the Motion for the Previous Question as a direct negative must, therefore, be our line of action. It may be necessary for me to answer, before I go into a defence of this Bill, some of the arguments which have been brought forward. I will first deal with one which was used by the hon. Member for Cambridge (Mr. W.

Fowler), because in disposing of it we dispose of a considerable number of arguments of the same kind. This is an argument which is used against this particular measure, but which is really directed against the propriety of what would be a much wider measure—the extension of the franchise to all women. It is an argument which is in no way applicable to the measure before the House, when it is said that the proper position for a woman is in her family, educating her children, and, I think it was even said, attending to her husband. The Bill applies to no woman who has a husband, and in no case can this argument be used against the Bill before us. If you go further, and say that the franchise ought not to be given to a woman who is a widow and has children, and whose time should be taken up with educating and attending to those children, then, Sir, my hon. Friend, to be consistent, should disfranchise all widowers who have children; for on what possible ground can it be denied that, if it is the duty of a widow to give up the whole of her time to her children, it would be the duty of the widower, in similar circumstances, to do the same? One argument of the hon. Member for Pembroke (Mr. Scourfield) is that women should not have a vote because of the turmoil of elections; because of the dangers of going to the poll, and because of the possibility of their experiencing insolent treatment at the polling-booth. Women do go to polls at the present moment, and, therefore, the whole argument falls to the ground. We know well that many municipal elections are distinguished by as great political strife as any election of Members of this House; and last year there was not a single case of women meeting with anything like violence. But I will take it for granted that the argument is well-founded. Even supposing that women were hindered from going to the polling-booth, they would be hindered by the violence, the roughness, and the rudeness of men; and it seems to me one of the grossest arguments ever used, that you should withhold the franchise from them because they would be hindered from exercising it properly by the violence of the very men who prevent them from acquiring it. The strongest argument which was used by the hon. Member was that women did not want the franchise, and in the course of his statement of it he laid down one of the most extraordinary propositions ever heard from these Benches. He objected to the argument drawn from the fact that Petitions had been brought forward in favour of the measure, and said that the proper way for a Member of this House to proceed when he wished to ascertain the opinions of the people on a particular subject was to go about and ask individuals one by one what they thought of it. Sir, I am but a young Member of this House; but I am an old enough Member of it to know that the only constitutional method of addressing this House is by Petition. The only means which people have of directly making known their wishes to Parliament is by Petitions, against which the hon. Member protests. With regard to the general argument that women do not want the franchise, it was answered by anticipation in the speech of the hon. Member for Manchester. He said that this Bill did not compel women to vote; but if a particular woman does not wish for the franchise, or even if a majority of women do not wish for the franchise, that is no reason for refusing it to those women who would use it, if it be just that they should have it. But, further, in reply to that argument, I might argue that a class which has been always excluded from political power does not ask for political power. You will always find that in the case of any class which has been despotically governed—and, though I do not wish to use strong language, it cannot be denied that women have been despotically governed in England, although the despotism has been of a benevolent character—the great majority of that class are content with the system under which they live. You find this the case in Oriental countries. If you applied to the women in India—if you were to go to Bombay, which, in these matters, is the most enlightened part of India, and if you were in a position to offer them social rights equal to those of men, and to propose to break up the system under which they live, I can have no hesitation in saying that the vast majority of those women would sooner be let alone. Is that an answer to those who contend that the system is not just, and that they should not be let alone? I think it is no answer to the argument of my hon. Friend the Member for Manchester—that you do not compel those to vote who do not desire it; but that you permit those to vote who do. The hon. Member for Cambridge (Mr. W. Fowler) says that it is a delusion to say that women are not represented, or that they have no political influence. He said that it was a mistake to say that justice was not done, and could not be done, to individuals who were not represented. But I would point out to my hon. Friend that when that argument comes to be applied to a whole class, it is precisely the argument by which hon. Gentlemen who sit opposite met the proposition for Reform in 1866, and which they abandoned in 1867, when they enfranchised a large portion of the working classes. That argument of virtual representation was disposed of in such a way that it could not be stirred again in this House; and if you substitute the word "women" for the word working men, you have a sufficient answer to the argument of virtual representation. The hon. Gentleman the Member for Pembroke asked where we were to stop. My hon. Friend the Member for Cambridge said that there was no line to be drawn short of admitting women to Parliament, and argued that there was no standing place between this proposition and the admission of married women to the franchise. With regard to the admission of women to Parliament, I would feel that if there were no other, that that is a matter in the hands of the constituency. If there are those dangers with regard to the admission of women to Parliament, which my hon. Friend professes to fear, the question, according to all political rules, ought to be left to the constituencies to decide. There is no need to make a law that people over 90 years of age should not be Members of this House. If my hon. Friend is right in thinking that women labour under disabilities similar to those of persons of very advanced age in seeking admission to this House, the proper remedy is in the hands of the constituencies, who would not be likely to return them. With regard to the representation of married women, you would, by passing this Bill, be putting yourself in the firmest possible position for answering their claim. Whether it be just or unjust that married women should have a vote, you have at present no intelligible basis on which to rest your franchise. You do not say that the occupier of every house, or that the possessor of every freehold, shall vote; but you say that they shall vote in cases where they are men. But if you make property the absolute test without exception or disqualification of any kind, then you have for the first time an intelligible basis on which you may rest your suffrage, and upon which you can withstand the demand for universal suffrage. But if you should reject the adoption of that basis for any length of time, it will be impossible then to resist the demand which will be generally made upon you for the adoption of universal suffrage in the election of Members of this House. The real argument which must lie at the bottom of this question is the alleged intellectual incapacity of women. I will first argue the question against the hon. Member (Mr. Scourfield), who seems to approve of the Municipal Franchise Bill of last year—[Mr. SCOURFIELD: No!]—who, at any rate, did not oppose, and then I will argue it against my hon. Friend who is opposed to that Bill, because undoubtedly their views rest on different grounds. The franchise at the present moment is considered by some people to be a right, and by others it is not. With regard to the people who consider it to be right, there can be no doubt in their minds that it is just as much the right of women as of men. With regard to those who consider it a matter of expediency, I would point out to them that the Legislature has decided that there shall be a property qualification of some kind for the exercise of the franchise. The qualification you have established is, that every person living in a house and paying rates shall be entitled to vote. There is only one class of the inhabitants of full age except the insane, who are passed over in this Parliamentary franchise. You do not pass over negroes, for there are negro voters in almost every borough in the country; but you pass over one class—the class of women. It is quite clear that you have passed them over on account of some grave incapacity. If that were not clear from the general nature of the case, it would be clear from what Blackstone says. Blackstone, describing those who are subject to political disability, says, that—

"No vote can be given by lunatics, idiots, minors, aliens, females, persons convicted of perjury, subornation of perjury, bribery, treating or undue influence, or by those attainted of felony, or outlawed in a criminal suit."

If you exclude aliens—and no country permits the subjects of a foreign Power to exercise the Parliamentary franchise—the disabled people divide themselves into two classes — those convicted of crime and those who are under some incapacity of mind. It is quite clear that no one would propose to rank women among criminals, and it would seem that they are ranked amongst the incapable. Now, Gentlemen who approved of the Municipal Franchise Bill of last year are in the most dangerous position possible. They are in the position of the faithful who have to enter into Paradise over a bridge narrow as a sword's edge. They must put themselves within the doctrine of Blackstone, that women are under some grave incapacity for exercising the political franchise, and yet demonstrate that the disability is of such a kind that it in no way applies to municipal elections. On the other hand, my hon. Friend who sits near me (Mr. W. Fowler) says that he was opposed to the municipal franchise being given to women, and perhaps he will bring in a Bill to repeal that Act. Unless he takes that line, he must say that there is an extraordinary difference between municipal and Parliamentary votes. The municipal vote is concerned with taxation chiefly; but the Parliamentary vote, as my hon. Friend the Member for Manchester said, is concerned with taxation and with graver things besides. If we were arguing this question in the time of Walpole or Bolingbroke, if we were arguing at a time when our whole history was filled with records of wars and Court intrigues, then some case might be made out for not giving women votes. But at a time when we are legislating upon subjects of a wholly different kind, when we are not legislating upon questions of foreign policy, or of peace and war, when we are not continually mixed up with Ministerial and Court intrigues, when we are legislating on such matters as pauperism and education, then I think the argument as to the difference of the vote entirely breaks down. I was glad to hear an hon. Member say that women should rather confine themselves to deliberation than to action, for a vote is but the expression of an opinion. He said that, though some women possessed great eloquence and great power of expressing their opinions, still it was a monstrosity, and that he disliked such public appearances of women. My hon. Friend seemed to forget that the highest office in this country is occupied by a woman. If he makes out a case for the absence of political capacity in women, how can he reconcile it with the exercise of the highest political functions in this country by a woman — functions which require that she should continually deliver public addresses. If my hon. Friend's argument as to political imbecility fails, then he must show that women labour under some other incapacity. He must show that women labour under an incapacity of such a character that, although they may be Queen—that is, may exercise the office of King—that although they may be sheriffs of counties, although they may exercise the offices of overseer and churchwarden, although they used—as my hon. and gallant Friend the Member for Aberdeen (Colonel Sykes) reminded us—to vote in the election of directors for the East India Company—that disability is such that they cannot vote for Members of this House. My hon. Friend has not spoken at any length of the results which might be expected to flow from this measure. I do not think we need speak much of them, because the Bill is a small measure, a practical measure of justice; but if, for one moment, I may address the House upon that subject, I would say that, while we are looking forward to next Session, when we shall be dealing with the great evils of ignorance and intemperance, our deliberations would not be the less valuable if women were represented in this House. What I would point out to hon. Members who are opposed to the extreme development of "women's rights" is, that if I were one of the fiercest opponents of women's rights, on that very ground I should vote in favour of this Bill. I would do so on the ground which I have already stated—that by not passing over persons on the ground of their sex, but resting the franchise upon the basis of householding, you would have an intelligible basis for the franchise, and you might prevent that demand for universal suffrage which you may possibly have some day to meet.

Mr. BERESFORD HOPE said: I listened with considerable pleasure to the ingenious and able, though fallacious, speech of the hon. Member opposite. But before I go to the main question, I must point out that one or two of his attacks on the hon. Member for Pembrokeshire (Mr. Scourfield) will hardly hold water. He asserted — I think I am not exaggerating his words —that he never heard so extraordinary a statement in this House as that made by that hon. Member, that petitioning was not a legitimate method of bringing public attention to bear upon any subject. But my hon. Friend said nothing of the sort. He was dealing with a particular case, and pointing out its peculiarities. It is so true that it has, in point of fact, passed into a truism, that the party which is desirous of a change, good or bad, has a great advantage over the party who is opposed to such change, people who are uneasy under a particular state of things are under a temptation to parade before the public that uneasiness. On the other hand, those who are contented have no such temptation—if they are not politicians or tacticians—they do not think it necessary to disturb themselves in order to keep themselves in that position in which they are; therefore, it is much more difficult to get Petitions from people who do not want a change than from people who do. But then, in the present case, what is the class of persons who are not petitioners? It is that class of persons who are specially unlikely to address themselves to the practice of making their grievances known by means of Petitions to Parliament. Their frame of mind and their natural temperament make them look with dislike, not only upon the privilege itself, which is sought for, but upon the very machinery which is resorted to by those women who ask for such a privilege. They are the women who do not want to be enfranchised, and who think it is not very creditable on the part of any individuals of their sex to come forward as political speakers and political agitators, and who look on the very fact of signing their names to a Petition, not knowing what a farce sticking Petitions in the bag at the Table is, with a sort of shame as exposing their names to public notice and discussion. Therefore, I contend, women who do not want to be enfranchised will certainly not Petition, and so, to bring forward as an argument the absence of petitioning on the part of women generally is not a very conclusive mode of reasoning, while to point out that a certain number have petitioned is only to say that there is a strong body of patriotic, strong-minded, hard-headed women in the country. So much for that argument. The hon. Baronet has asserted that there are two classes of persons in this country, an enfranchised and an unenfranchised class, and from first to last he has talked about unenfranchised females as a class, and in thus talking of women as a class he has failed in explaining what is the precise meaning which he attaches to the word "class." The general understanding of the word is, that it signifies a number of persons banded together in close proximity to each other by common habits of thought, or feeling, or circumstances; but the race of women are as varied in its conditions as the race of men, and in no sense of the word can they be termed a class, except you imply that there are only two classes of human beings in the world —namely, men and women. To term the unenfranchised women a class is neither accurate nor logical. As all men are not of one class, but there is an infinite variety, so, also, all women are not of one class; and to speak of the unenfranchised women, by themselves, as a class, is contrary to the true sense of language. The wealthy class, for instance, includes both men and women; the intellectual class includes both men and women; and the stupid class, if I may use the term, includes men as well as women. Women, therefore, cannot be said to be a distinct class in any sense of the word. Women may, all of them, be unenfranchised; but they are not an unenfranchised class, for, as I have said, they are not a class at all. Every class to which women belong has its analogous class among men. Then the hon. Member called us over the coals for not opposing the Municipal Franchise Bill of last year. Now, in respect to that, I am quite willing to take my share of the blame. The example of to-day shows how very unwise it was not to oppose that Bill last year. It is a very pretty argument for newspaper writers and platform speakers that because we did not oppose that Bill last year which enfranchised women, so far as municipal elections are concerned, therefore we ought not to oppose a Bill which proposes to enfranchise them with respect to Parliamentary elections; but, in point of fact, the Parliamentary Session is so hurried, so feverish, and lasts for so limited a portion of the year, and questions of great importance are brought on at such very unseasonable hours of the night, that to cast in our teeth that we allowed that Bill to pass in silence is rather hard, conscious as we all must be that the manner in which much of the business is hurried through is very creditable to Parliament. But whether or not that Bill passed without opposition or discussion I make the hon. Baronet a present of it, and both I and every one of those who feel that we ought to have opposed it must plead *mea culpa.* Those who support the Bill in all its inconsistencies, and contend that we ought to give the franchise to widows and spinsters, but not to married women, have no ground whatever on which to base their argument. I am not dealing with the "thin end of the wedge" argument which holds as good here as in the United States; but I say, arguing from the *à priori* and abstract principles on which you defend the proposed change, that it would be a gross injustice not to enfranchise married women if you enfranchise women who are widows or spinsters. Why do you propose to enfranchise certain women? Is it because they are proprietors, or because they are ratepayers or freeholders, as the case may be; in short, because they are the owners of a certain amount of material property, or what represents material property, which entitles them to vote? But so is a married woman under her settlement. She has her own property. If you regard the words in the sense of having a stake in the country, may not married women have as great a stake in the country as widows and spinsters — will they not have it if the change in the law of married women's property, which is on the Notice Paper, become law? In fact, to enfranchise one and not the other would be to insult every married woman, and to create a political grievance on the part of every married woman in the country. For my own part, I decline to suppose that the House would accept the Bill in that fragmentary state. This is either a Bill to enfranchise all women, whether married or unmarried, who have a stake in the country, or it is a piece of most illogical legislation. Deal with it as a question of enfranchising all such persons in such a position, irrespective of their sex, and what does it mean? To look at the matter in another and a secondary point of view, it is impossible to enfranchise women without giving them the power of obtaining a seat in this House. That is undoubtedly a necessary and logical consequence, and I think that it is a consequence which must have escaped the attention of the hon. Members who support the change. There was a time, some years ago, when the qualification for a seat in this House was the possession of a certain amount of money or money's worth. Up to the year 1858 there was a property qualification which was necessary to render anybody eligible for a seat in Parliament. At that time a Bill was brought in by my right hon. Colleague, then Home Secretary, which wiped out that property qualification and made every man in this country eligible for the honour of a seat in Parliament, even if he were not a ratepayer and had no qualification at all. Having thus made the eligibility of Members wider than the electoral ability of voters, you cannot now make a great measure of enfranchisement and say, that those who are enfranchised should be excluded from a seat in this House. The whole thing is inconsistent and illogical, and will not hold water for a moment. On the other hand, it is an acknowledged constitutional axiom, that those who enjoy political privileges, such as that of voting, are correlatively under obligations and responsibilities to take their part in the public service. I do not talk of the direct responsibility of the public defence, which may be limited—though this is illogical—to the male sex alone, but of such obligations as the liability to serve on juries. If you give a woman a vote, are you prepared to make a woman liable to serve on juries? and, if not, where is your consistency? You would at once create a glaring inconsistency, and make of the enfranchised women a privileged class of voters. I do not see why you should, while you propose to remedy injustice on the one hand commit a new one on the other; and I put this at once, as a test, how would those who advocate this measure like to make women serve on such juries as those accustomed to deal with matters which come before Lord Penzance? The hon. Gentleman accused us of basing our arguments on an assumed intellectual inferiority of women. I repudiate that altogether. My great opposition to the measure is based not upon an inferiority, but upon a difference of intellect between the sexes; and here I would appeal to common sense as evidence of the fact, that, although there is no political or intellectual incapacity on the part of women, yet there is a broad and clear physiological difference between women and men which amply justifies the present state of things. The male intellect is logical and judicial, the female instinctive and emotional. The instinctive and emotional has its own duty and its own functions in the progress of things; and that function is to guide, to influence, to moderate, to regulate, to suffer—not to govern. Any person who is of liberal mind will at once see that the direct influence of the female mind on the progress of the human mind, and on the progress of human affairs, is immeasurable; but it is by her very weakness, her helplessness, her reliance upon man, that she holds her power; and though it may be technically called restricted power, its ramifications are infinite; but if for this indefinite sway you substitute a hard legal power, and accompany it with all the obligations to which men who exercise it are liable, what would become, not merely of woman's influence, but of her duties at home, her care of the household, her supervision of all those duties and surroundings which make a happy home; all those matters must be neglected if we are to see women coming forward and taking part in the government of the country. Now, look at things just as they are. Come down from the philosophical and the abstract, and let us regard this question from a practical point of view, and let us test it first by referring for a moment to the question of elections. It is said—"Oh, you will have the Ballot." But even if we do, the Ballot will not change human nature, it will not change attorneys, it will not do away with stump speeches. What will be the effect upon elections? Quite apart from the temptation to strong-minded women to plunge into the fray, look at the disastrous effect which it might have upon the passive portion of womankind. Imagine half-a-dozen attorneys swooping down upon a timid spinster; picture the landlords who would turn upon poor struggling widows who were keeping open shops for the support of themselves and their children. Look at the manifold persecutions which may be brought to bear upon female voters, not for any advantage of their own, but to turn the election, when it was a struggle between Brown and Jones. Look at the question of bribery. How would it be possible to bring home a case of bribery against a woman. If there were women voters and unconscientious men, the men would find a way of bribing them, and women canvassers would even be enlisted. The Man in the Moon would find his wife, and all the great barriers of bribery would be broken down by the exhibition of a pocket-handkerchief and a red pair of bright eyes. A notorious amount of immorality and corruption at present exists, although the natural conscience has been notably awakened. Would it lessen, do you think, by creating women voters? Would you not rather risk losing the advantage you have so hardly gained? Here I dismiss all reference to the argument which I was sorry to hear raised with reference to the highest position in the State being filled by a woman, as altogether inapplicable to the question whether other smaller powers and obligations and duties should be placed in the hands of women. The hon. and gallant Gentleman the Member for Aberdeen asked whether there was any reason why some persons should be debarred from voting because they wore a different dress from that of the other sex. I must demur to this argument from the representative of a Highland constituency. [Colonel SYKES: I am not the Member for a Highland constituency.] However, passing that by, I appeal from the experience of the East India Company which he urged to the more ample experience which we have almost every day in the year of the inconvenience which results from females voting in the elections for our charities. Governed as these are by active committees, yet the elections for those charities had become so thoroughly confused, and so utterly unsatisfactory, that nearly every one of them, in succession, has adopted a system of cumulative election, because it was found that the single elections which were carried on by female suffrage and female canvassing were carried on in such an impulsive manner—no doubt entirely owing to the good nature of women, that the whole system became absolutely unworkable. If you enfranchise only a few women, you will put them in a most cruel and undesirable position—enfranchise women generally, and make them a power in the country, and you will find yourselves drifting on a sea of impulsive philanthropy and sentimentalism, where you are now at anchor on the principles of political economy. With the highest respect for the female sex, I must say I doubt, if such a change as that which is now proposed takes place, whether we could discuss questions in this House or in the country with our present calmness, or, whether Parliament would retain the influence which it owes to its reputation for judicial wisdom.

DR. LYON PLAYFAIR said: The hon. Member for the University of Cambridge and the hon. Member for Pembrokeshire feel very uncomfortable that they assented by silence to the Municipal Franchise Act of last year, because they feel that it forms an invincible argument that they should extend the Parliamentary franchise to ratepaying women. They cannot say that there was any novelty in that Act, for it simply restored rights that had been taken away in 1835, and which has been continuously exercised in all places which had not municipalities; and as that right had been in operation for centuries, abundant arguments might have been gathered from a past experience of the unfitness of women to exercise the franchise. But during the discussion of the Municipal Bill of last Session, no one alleged that women had improperly used their votes in civic elections, or had shown any incapacity for political affairs. The hon. Gentlemen who have preceded me discuss the question on two grounds only—one of them being a question of right, the other of expediency. But, as a question of right, observe how limited it is, for there is no abstract proposition before us. The subjection of women, their social independence as wives, the equality of their intellects, their right to enter professions and to study in Universities, have all got mixed up with the one question before us. They may, no doubt, be influenced by the result of this Bill, but are entirely independent questions, upon which we are not called to give any opinion. We have not even the larger question before us, as to whether women, as a class, should have political representation. The real issue is one of great simplicity, and of that limited and practical character which we like to deal with in legislation; for it involves no subversion, but a mere development of our political institutions. We are simply asked to pronounce that independent female proprietors and single bread-winners of substantial qualifications should be entitled to vote for the representation of the people. Their general fitness to take part in matters relating to property is already admitted by the State in every point except the Parliamentary suffrage. A woman can hold and absolutely dispose of her property, and possesses full right of contract. Having the general rights which attach to property, she has also the burdens, and pays her full share of public taxes. The law, therefore, recognizes a woman in possession of property as a capable citizen; and all that this Bill asks, is that you should complete the logic of her position by removing her from the only class of incapables known to the law—namely, idiots, lunatics, criminals, and minors. On what ground of right can such a demand be refused? Our Constitution takes each individual citizen in possession of property as the political unit of the State. In doing so it is possible that property was intended to be represented, or that it may have been viewed as a mere rough-and-ready material test of the aptitude and capability of the possessor for political privileges, and as an assurance that he possessed a stake in the country. But, whether the one view or the other be right, the application of the principle must be as much to the female as to the male citizen. The class of female proprietors is already large, and it is an increasing class; and the number of female bread-winners is not far from one-third of the adult women of England. Is it well for the State that such a large amount of property, or of individuals in its possession, should be unrepresented in this House? In the past history of our legislation, we have had a perpetual struggle with religious bodies and with corporations to prevent property getting outside our political system. At last we conquered them by successive laws of Mortmain, which had for their object to prevent property being grasped by dead hands, and to preserve its possession in the living, who could manage it in the light of their individual interests, and keep it in harmony with political changes and necessities. Yet by our exclusion of female citizens from the franchise, we shut out as effectively a large amount of property from our political system as the churches and monasteries did in ancient times by the accumulation of estates. To hon. Gentlemen opposite, who think that property ought to exercise a large influence on political affairs, this consideration should have much weight. To those on this side of the House I would appeal on the ground that we desire to extend the franchise to all capable citizens. That women are capable citizens must be admitted from our laws of property, and from their possession of the municipal franchise. Their capability is further allowed by the Constitution, which entrusts to them the highest share in government. Female Sovereigns may sit on the Throne, and in past times, as now, adorn their high position. But if they are capable of exercising the highest function of government, they must be fit to perform the lowest functions—that of delegating their interests to a representative who may protect their property against undue taxation, and their persons against the injurious influences of bad legislation. Then, if the right be clear, how does the case stand on the ground of expediency? This divides itself into two questions—first, whether it is in the interest of women themselves that they should be enfranchised? and second, whether it is in the interest of the State? On the first head there can be little doubt, for our aim in late years has been to bring women into complete social equality with men in the eye of the law; and if we desire to achieve this fully, we must remove from them their political inferiority. For no inferior classes of a country ever obtain full equity until they are in possession of full political equality. Our consciences, indeed, struggle to confer that equity upon them; but how slow is the process, when the class is unrepresented, may be gathered from our recent legislation to protect the earnings of wives from depraved and brutal husbands, and also from the two Bills before us this Session in regard to married women's property. If women had political rights, the inequalities of the law in regard to them would soon vanish from our statute book. In their interest, therefore, as citizens desiring to have full equity, it is expedient that they should no longer have political inferiority. But the doubts as to its expediency for the interests of women, in the minds of objectors, are rather sentimental than political. It is assumed that it is not a suitable or becoming thing in wives and mothers to attend to politics, because their function is rather domestic than civic. Well, we do not ask the suffrage for those who are wives and have their interests represented by their husbands. But there are 487,000 widows and 2,110,000 spinsters who have no such natural representatives of their interests. They surely have a right to interest themselves in affairs external to the domestic hearth. And the world has benefited largely by the broad sympathies and public spirit of such women. The very names of Miss Florence Nightingale, Miss Harriet Martineau, and Miss Burdett Coutts are a sufficient answer to this form of objection. I admit that the education of women, as a class, has not been of a character to attract them to political subjects. Whose fault is this? Men have monopolized all the higher schools and Universities for themselves, and have thus lowered the education of women. Grant them the suffrage which we now ask, and I promise you that they will quickly lay claim to a fairer share in the educational resources of this country. Give to women the responsibility of power, and their fitness to exercise it will be developed rapidly enough. This has always been proved by our past history, even when you have lowered the suffrage below the then educational level of the people. Though the expediency may be clear enough in regard to women, it does not follow that it is equally clear as regards the State, which may possibly have harm or good from the change which we propose. As to harm, there is much difficulty in the conception. It is true that in Continental countries revolutions have sometimes been disgraced by female violence; but such unwomanly exhibitions have not characterized this country. But though there is little chance of harm to the State in the enfranchisement of women, there is, on the other hand, a great likelihood of good by the infusion of a higher tone into politics; for even the opponents of this Bill admit that, though women have a lower capacity for affairs than men, they have a higher morality, This might be infused into political life without deterioration to its vitality, and might mitigate part of the corruption and brutality which we have had to deplore in some of our elections; just as a freer social intercourse with women has softened the manners of men, and rendered drunkenness a disgrace in the upper classes of society. I attach great importance to the argument that the addition of women to the constituencies of the country would quicken our attention to social reforms. Party politics would have for them less interest than questions of social improvement. The health of communities, the education of the people, the care of the poor, the reformation of the criminal, the tending of the sick in hospitals and in their own homes, are subjects which would appeal to the sympathies of women, and would be pressed upon the attention of their representatives, not only with earnestness and persistence, but with an experience and knowledge which have been acquired in dealing with these subjects. Thus I have attempted to show that if the right to enfranchisement be clear, its expediency is so also. The *laissez faire* school of political economy has alone some grounds of objection. The world has governed its affairs, tolerably after a fashion, by the aid of men, and certainly with a decreasing injustice to women! Why not leave things alone, especially as women are pretty quiet, and have not yet pulled down our Park railings to force attention to their claims? But this school has always preached against reforms in a similar strain. The agitation for the extension of suffrage to men did not begin from below, but from above. In matters such as these I have a great belief in the public conscience, and that is now becoming awakened and quickened on the subject of justice to women. How otherwise can you explain the wave of public opinion that is rising in height and in power, and which is extending its impulse to all lands? Already in Austria, Italy, Sweden, and in some of the United States, political suffrage to women is granted more or less efficiently. Last year we restored to them the municipal franchise of which they had been robbed. Scarcely a year now passes in which this House is not occupied in lessening the inequalities of the law in regard to women. Our Universities and other educational institutions are beginning to feel the injustice of their exclusion, and are timidly opening up to them their examinations and their honours. Though a large and increasing number of women have been aiding these movements, I believe that they are far less due to them than to the convictions of an awakened public conscience that the time has arrived when all capable citizens, whatever may be their sex or position in society, should have equal laws and equal rights. It is because I believe that this Bill completes our sense of national justice that I give to it my hearty support.

SIR GEORGE JENKINSON said, he should give his cordial support to the Bill. The question had not been discussed so entirely upon its real merits as it deserved to be. It was not so much a question of the personal rights of women, as of the rights of property. Wherever property existed—no matter in whose hands, if the persons holding it were fit according to the laws and the Constitution of the country to hold and administer it, it seemed to him that they were also fully and entirely entitled to all the rights and responsibilities which usually accompanied it. He could not understand for one moment why women in the possession of a large amount, or of any amount, of property should be denied the right to exercise the usual rights of property, as to representation, any more than any man who owned property. The last speaker had dared to do that which he (Sir George Jenkinson) would not have ventured to do; and he had done it most properly. He had mentioned the names of certain ladies in this country who deserved well of it for their efforts in the cause of humanity. When he named Miss Burdett Coutts, no one would say that a person holding her vast property, and administering it as she did, for the good of humanity, especially for the poorer classes of this country, was not fit to hold the franchise. He could not understand why the owner of that property should be denied a right to vote for its representation in Parliament, any more than the right of a man, in such a case, should be denied. It had often been said, in answer to this argument, that persons holding property like this were represented by their tenants, and could command that representation through their votes. But the old days, when this sort of representation could be relied upon, were fast passing away, if they had not entirely passed away already. No owner of property would dare, in these days, to command his tenants how they were to vote, and no lady could have that representation through her tenants, which might, in some cases, have been exercised hitherto by the owners of property. It had been said by the hon. Member for Cambridge (Mr. Beresford Hope) that, if you give this right to women, you must also agree that all men are equally entitled to have votes; but this Bill did not propose to give votes to all women; it only proposed to give votes to all those who possessed property. There had been a distinction attempted to be drawn between married women and single women, and it had been said that if you gave votes to spinsters you would create an injustice to married women; but he (Sir George Jenkinson) did not see any distinction made between married women and single women in this Bill. It simply proposed to do away with disabilities. It was intended to give a right of voting to all who possessed property, and he thought it was a good Bill. He should support it, and he should like to see all property more directly represented in that House than it was. He should like to see all payers of income tax, no matter what their sex, possessing a vote; because he thought a direct taxation, and especially a direct taxation of property, was that which ought to be represented throughout the country. The hon. Member for the University of Cambridge had said something about the persecution that female voters would undergo if they had votes. His own experience of women was, that they were quite as fit to take care of themselves in that capacity, and to meet that persecution by counter persecution, as men were—and he did not see why they should fear female voters being created on account of the persecution they would incur.

They had heard also of the difficulty in the shape of bribery, and the visits of the "Man in the Moon;" but those who had lately read the investigations that had taken place at various boroughs had heard some instances of a Woman in the Moon—and he did not think they would have greater difficulties in the matter of bribery with women than they had now. For these reasons he should give his cordial support to the measure; and there was also one higher ground upon which he did so. Women were now in a position in which they were enabled to say that men monopolized all the legislation; that they made the laws for women, to which women were subjected, without having any voice directly or indirectly in making them. They appealed to the justice of men, and that was a great reason why they should not ignore that appeal, but should rather show women that they do not appeal in vain to the justice of men—and especially to the justice of the British House of Commons.

Mr. MUNTZ said, the tone of the debate had been so peculiar that he should have had great difficulty in deciding which way to vote, if he had not made up his mind before he came there. The hon. Member for Manchester, who introduced the Bill, compared ladies to the slaves in the Southern States before the war. But if they were to judge the matter in accordance with what they knew, some of them would rather be inclined to say that men were the slaves, and women the masters, for they had an enormous influence over them; but they must do away with all the romantic aspects of this question and bring it down resolutely to the region of common sense; and he wanted to ask hon. Gentlemen why ratepayers, worth many thousands a year, should be prevented from voting for Members of Parliament merely because of their difference of sex? He knew a lady worth £70,000 or £80,000 a year, who, in the election of Members of Parliament, had no vote at all, while her gardener, her groom, and other male servants had a vote each. He was not in favour of granting votes to all women; but he thought that in some cases they ought to have them. They gave them a power to vote for members of Town Councils, and in all local and municipal matters; but they had imposed on them very onerous duties which, to say the least of it, he thought had been unfairly imposed upon them. For instance, they had imposed on them the duties of overseer. In his own neighbourhood, some years ago, an elderly widow was actually appointed an overseer at the age of 71. If they were to have that sort of thing at all, he thought they could not do less than allow them, on the ground of the property they held, to vote equally with themselves, and he should have much pleasure in supporting the Bill.

SIR HERBERT CROFT said, that his fair constituents had not sent him a Petition on the subject of the Bill, whence he concluded that they did not wish him to advocate any change in the law. He should not like to see ladies exercising the franchise any more than he liked to see ladies going about as lecturers — an announcement that Dr. Mary Brown was going to deliver a lecture at 8 o'clock, attended by her husband. He did not like ladies going about delivering lectures on the rights of woman. He thought there was a great deal of truth in what their old friend *Punch* had recently said, that those who want woman's rights also want woman's charms. His own constituents were fair, graceful, and feminine; therefore they did not want a vote, and they had not sent him one single Petition on this subject, and, therefore, he should vote against the Bill.

MR. BRUCE said, he was bound to admit that Her Majesty's Government had not had time to give this subject full consideration in all its bearings. He said so with some feeling, because it was necessary for a Minister who occupied the Department which he held to consider questions of this nature, and it had been his earnest desire to obtain the opinions of his Colleagues upon this question; but such had been the pressure of business, and the importance of the measures occupying the attention of Ministers of all Departments, that they had not been able to give to this question that consideration which would enable them to express their opinions upon it in such a manner as to guide the deliberations of that House. During the short time he had been present in the House that evening he had heard it said, that having last year supported a Bill for the extension to women of the municipal franchise, they were bound to give a similar support to this measure. But there was an argument which had equal weight on both sides the House—*Stare super antiquas vias*—that they should stand on the ancient lines of the Constitution. He (Mr. Bruce) considered that in the extension of the municipal franchise to women they were standing in the ancient ways. It was one of the strongest arguments put forward for the Bill of last Session, that in all similar cases women had held votes, and that in many cases they had lost the votes which they had already exercised in matters connected with their personal interests. An hon. Member had told them that by the adoption of the municipal franchise they had one instance of a form of government under which women could vote. But Her Majesty's Government thought they were acting upon a known principle of the Constitution in extending the right to vote to women in the case of municipal elections; whereas the present question was a very much larger one. He was not going to argue against this proposition, on the ground of the political incapacity of women; or because on political subjects, their morality might not be equal to the morality of men. The ground he should take was, to ask the House to delay its consideration of the measure, because it was a very large question, and one that required mature consideration. It was a very large extension of the franchise in an entirely new direction; and it was a question in which the utmost deliberation was required as to the manner how women should vote, and as to the consequences —whether it would be possible to stop here. He was not going to use the argument which had been so often abused; but he asked hon. Members to consider whether it was logically or politically possible to stop here? If they gave women a right to vote, how could they refuse them a seat in that House, when otherwise qualified? The hon. Member for the University of Edinburgh (Dr. Playfair) had asked whether subjects of a Queen were proper persons to object to the principle of admitting women to the franchise? But his hon. Friend would see that the same argument applied with equal force to the admission of women to sit in Parliament. He was certain there were vast numbers of Members who were prepared to vote for the second reading of the Bill, but who were not prepared to support that consequence; and that, he thought, was a strong reason why they should delay their consideration of the measure. These, then, were the reasons why Her Majesty's Government were not yet prepared to express an opinion on the subject. They foresaw that this was a large subject, and that its consequences were large; but they had not had time or opportunity to come to a deliberate opinion upon it, and for these reasons he could not give his support to the Bill. At the same time, he wished to have it clearly understood that neither personally, nor as a Member of the Government, did he give any expression of opinion upon the matter.

Mr. JACOB BRIGHT: I will only trouble the House with one or two words in reply. I am satisfied with the course which the debate has taken, for the subject has been well debated, and I have no fault to find with the right hon. Gentleman who has just sat down. On the contrary, if I may infer anything from that speech I rather infer that he personally has a very strong sympathy with the Bill. There is only one matter of which he has spoken to which I will allude. He said—"We cannot stop here; and if women have votes you will have to admit them to this House." Now I doubt whether anyone believes that they will be admitted to this House for many long generations to come, unless a total and unforeseen change should take place in the country. But if it be true, as I believe, that women are not to come inside this House, the more does justice require that outside of it they should have some kind of control over those who have the privilege of entering it. To show the feeling of the great constituency which I have the honour to represent, I may state to the House that I have just received a telegram, telling me that the Manchester Town Council have to-day agreed to petition Parliament in favour of this Bill by a majority of 42 to 12. Before the last Election, there were between 5,000 and 6,000 qualified women in Manchester, who asked to be put on the register. I hope the House will be willing to read the Bill a second time.

Previous Question put, "That that Question be now put."—(*Mr. Scourfield.*)

The House *divided*:—Ayes 124; Noes 91: Majority 33.

Mr. Bruce

NOES.

Amory, J. H.
Arkwright, R.
Ayrton, right hon. A. S.
Baker, R. B. W.
Barttelot, Colonel
Beaumont, H. F.
Beaumont, W. B.
Bingham, Lord
Bowring, E. A.
Brassey, T.
Bright, R.
Brinckman, Captain
Bruce, right hon. H. A.
Buxton, C.
Candlish, J.
Cartwright, F.
Cartwright, W. C.
Clay, J.
Craufurd, E. H. J.
Crawford, R. W.
Crichton, Viscount
Croft, Sir H. G. D.
Cross, R. A.
Dalrymple, C.
Dalrymple, D.
Davenport, W. B.
Denison, C. B.
Dent, J. D.
Dyke, W. H.
Egerton, hon. A. F.
Fielden, J.
Finnie, W.
Foljambe, F. J. S.
Fowler, W.
Gladstone, W. H.
Glyn, hon. G. G.
Gore, J. R. O.
Gower, hon. E. F. L.
Grieve, J. J.
Guest, M. J.
Hamilton, Lord C.
Hamilton, Lord C. J.
Hamilton, Lord G.
Hamilton, Marquess of
Henley, rt. hon. J. W.
Henley, Lord
Howes, E.
Hyde, Lord
James, H.
Kavanagh, A. MacM.
Kekewich, S. T.
Knatchbull - Hugessen, E. H.
Lawrence, Sir J. C.
Leatham, E. A.
Lennox, Lord G. G.
Locke, J.
Mackintosh, E. W.
Maxwell, W. H.
Milles, hon. G. W.
Mitchell, T. A.
Mitford, W. T.
Monk, C. J.
Mowbray, rt. hon. J. R.
Newport, Viscount
Nicol, J. D.
O'Brien, Sir P.
Pease, J. W.
Pell, A.
Philips, R. N.
Phipps, C. P.
Potter, E.
Raikes, H. C.
Ramsden, Sir J. W.
Ridley, M. W.
Russell, A.
Salt, T.
Seely, C. (Lincoln)
Selwin - Ibbetson, Sir H. J.
Smith, A.
Stapleton, J.
Strutt, hon. H.
Tollemache, hon. F. J.
Tollemache, J.
Tracy, hon. C. R. D. Hanbury-
Walker, Major G. G.
Walpole, rt. hon. S. H.
Waterhouse, S.
Whalley, G. H.
Whitwell, J.
Williamson, Sir H.
Woods, H.

TELLERS.

Scourfield, J. H.
Hope, A. J. B. B.

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *Wednesday* next.

PUBLIC PROSECUTORS BILL—[Bill 45.]

(*Mr. Eykyn, Mr. Vernon Harcourt, Mr. Rathbone, Viscount Sandon.*)

SECOND READING.

Order for Second Reading read.

Mr. EYKYN, in moving that the Bill be now read the second time, said, that the appointment of a public prosecutor had been advocated by many of the most eminent Judges; and a Select Committee had been appointed to inquire into the subject before which Lord Brougham, the present Lord Chief Justice, and other great legal authorities had given evidence strongly in favour of such a course, and the Committee recommended the appointment. The present system of leaving prosecutions to be instituted by private persons, or perhaps by the police, led to frequent failures of justice. In cases of importance, private individuals shrunk from incurring the vast expense which the prosecution would entail, and so great offenders escaped altogether; while in ordinary cases the costs which fell upon a man, who had already been robbed, for prosecuting the thief were an additional burden—not to mention the annoyance and loss of time; so that many men would rather put up with the original loss than proceed for the punishment of the offender. Seeing that the punishment of crime was for the benefit of the public, it seemed only rational that the punishment of the criminal should be pursued at the public expense. As it was, for want of a public prosecutor, a large proportion of criminals escaped punishment altogether. So much was the want of a public prosecutor felt, that in many places in the North some similar institution was maintained by subscriptions. He hoped that the Government would not oppose the second reading of the Bill; but if there were any of the details in it to which they objected, they would amend it in Committee.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Eykyn.*)

MR. RATHBONE said, the necessity of a public prosecutor was generally admitted. The Bill proposed that a public prosecutor should prosecute in all cases where the expenses were paid by the State; that he might intervene in private prosecutions; and that he might drop such prosecutions as he thought unnecessary. He would take cognizance of bankruptcy cases, of charges and informations before justices, in private prosecutions, and in cases before coroners. It was also proposed that he should be able, in all cases of difficulty, to consult circuit counsel, who might afterwards refer them to the Attorney or Solicitor General, and that he might, if he thought fit, then instruct the Solicitor to the Treasury to prosecute at the public expense. It was also proposed to associate a public prosecutor with a private prosecutor when desirable. The Bill also provided that public prosecutors should be appointed by one of Her Majesty's Secretaries of State; but intimated that he should consult the wishes of the quarter sessions and town councils in such appointments, the object being to prevent the appointments being made on personal or political grounds. The appointment of circuit counsel was based on the necessity of simplifying the duties that would otherwise devolve on the Attorney General, and it was thought that six only would be necessary, and that they might be obtained at an expense not greater in all than about £1,800 per annum. He thought that the appointment of a public prosecutor would not impose any great additional expense upon the ratepayers. In framing this Bill the promoters had not adopted the Scotch system, because, however admirably the system might work in Scotland, the criminal system of that country was so entirely different from that of England, that it could not be introduced into this country without completely upsetting the existing arrangements. The measure, at least in principle, would, he believed, receive the support of the hon. and learned Gentleman the chief Law Adviser of the Crown, who had always expressed himself favourable to a reform of this nature; and the only reason why the subject had been taken up by private Members was that the Government had already too much work on their hands to admit of a reasonable hope that they would be able to proceed with a Bill of this kind. Still, however, if the hon. and learned Gentleman the Attorney General would take it up and undertake the conduct of this Bill, either in its present or an amended form, he would add to the many benefits which he had already conferred upon the commercial community and the country by the promotion of legal reforms.

MR. WEST said, that having had experience of the system of public prosecutors which had been adopted at Liverpool, Manchester, and Leeds, he had come to the conclusion that in those places the administration of justice was better than it was in places where public prosecutors were not employed. But hon. Members must not run away with the idea that this Bill intended to provide the country with public prosecutors at all of the character of those in existence in the towns he had named. Those gentlemen were not entrusted with the large and discretional powers which it was proposed to place in the hands of the public prosecutors under this Bill. He only desired at the present moment to impress upon the House the necessity of caution in proceeding with a measure of this kind, in which so many difficult questions were involved. He certainly did not believe that the House would willingly embark in so great an expense as that which would be necessary to carry this Bill into effect; but he should not oppose the measure if, after its second reading, it was intended to refer it to the consideration of a Select Committee.

Mr. ASSHETON CROSS said, he would support the second reading on the understanding that the Bill should be referred to a Select Committee.

Mr. HENLEY said, this was a measure of too great importance to be left in the hands of private Members, however experienced they might be. Such a measure should only be introduced on the responsibility of the Government. The cases in which the action of a public prosecutor was required were very few; but this Bill proposed to include every prosecution. It was impossible to say what the expense to be incurred would be, for the Bill mentioned neither the number of officers required, nor the salaries. He did not believe that justice suffered for want of a public prosecutor. The failure of justice arose principally from the police not being able to find the offenders: the numbers of persons apprehended or sent for trial bore but a small proportion to the number of offences reported to the police. Now this Bill would only put the public prosecutor in motion when the offender was detected and in custody. What was required was a more effectual means of detecting offenders. Generally speaking, justice was, in his opinion, very well administered in this country, and he did not believe that by the passing of this or any similar measure the proportion of convictions to offences committed would be largely increased. It might, however, be advisable to refer the Bill to a Select Committee, and he should offer no opposition to such a course.

The ATTORNEY GENERAL said, he was quite disposed to concur with the right hon. Gentleman that this was a question of such magnitude and importance as might properly warrant its being dealt with by the Government; but he believed there was no general desire to blame the Government on account of the paucity of measures introduced this Session. He was authorized, however, on the part of the Government to say that they approved the principle of the Bill; though in so saying, of course, he did not commit either himself or his Colleagues to all its details, and he had not anticipated that any discussion would arise with regard to them. The system of public prosecutors was adopted in almost all Continental countries, in America, and also to some extent in Ireland and Scotland; and it appeared to him that there was a conclusive case in favour of supplying what he regarded as a great omission in the administration of the criminal law of this country. He did not assert that that administration was unsatisfactory; but there were evils which were sufficiently serious to be mentioned. In the first place, many offences were not prosecuted at all, while others were only prosecuted inefficiently; and he learnt from statistics that of 30,000 persons who were apprehended, 2,000 were discharged because no one would appear against them; and of 20,000 prisoners who were committed for trial the prosecutions failed in nearly 5,000 cases—in a great measure, probably, because those cases were not properly presented to the juries. There was, again, a class of cases which properly resulted in acquittals, and frequently occasioned actions for malicious prosecutions. Another class was that of collusive prosecutions, or those in which witnesses were bought off or induced to leave the country. In another class the criminal law was abused for the enforcement of civil rights; but, further, it frequently happened that a prosecutor cared very little about his case, and it was taken up by a policeman, who acted not only as the principal witness, but also as the prosecutor. He thought the House would see the danger of giving to a policeman—who ought only to be a witness—an interest in procuring a verdict against a prisoner. These and other considerations had impressed him with the necessity of appointing public prosecutors, who should be responsible for seeing that prosecutions were instituted in all proper cases, and that when instituted they were efficiently conducted, but that in other cases there should be no prosecution. In its leading features this Bill seemed to carry out the recommendations of the Committee of 1855, which had reported on this subject; but as there were in it some deviations from these recommendations, the Bill might be properly considered by a Select Committee. For himself, he would candidly state that he should be glad if the duty of public prosecutor could be properly entrusted to some functionary other than the Attorney General; for he felt that the ordinary duties of the Office were such as to tax his health and strength to the utmost. At the same time, he could not but perceive that the balance of opinion was in favour of the conduct of public prosecutions being entrusted to the Attorney General—an opinion which he himself entertained before holding, or expecting to hold, the Office—and if it was the pleasure of the House that this duty should be imposed upon him, he had only to assure the House that he should discharge those duties to the best of his ability. They were certainly indebted to his hon. Friend for the great pains he had evidently bestowed in the elaboration of the measure, which had been drawn carefully and well considered, and was not likely to undergo any very material alteration. Subject to certain alterations which he had foreshadowed in the suggestions already offered, he was prepared to assent to the Bill on behalf of the Government.

MR. HIBBERT said, he must oppose the second reading; for he thought it would be unwise and objectionable to pass the Bill in its present form. He had always thought one of the advantages of our system of administration of the criminal law was, that the Government had as little as possible to do with it. If public prosecutors were appointed, they ought to be nominated by the local authorities.

MR. EYKYN said, he would consent that the Bill should be referred to a Select Committee, as proposed by the hon. and learned Attorney General.

MR. COLLINS also desired that the appointment should be made by local authorities; but did not wish that every enterprizing lawyer should make political capital out of an appointment, and therefore the Lord Chancellor or the Attorney General ought to have the power of veto, so that responsible and efficient persons should be appointed.

Motion *agreed to.*

Bill read a second time, and *committed* to a Select Committee.

And, on May 16, Committee *nominated* as follows:—MR. ATTORNEY GENERAL, MR. GATHORNE HARDY, MR. VERNON HARCOURT, MR. RUSSELL GURNEY, MR. BONHAM-CARTER, MR. WALPOLE, MR. HIBBERT, MR. BALL, MR. DOWNING, MR. GORDON, MR. RATHBONE, MR. SCOURFIELD, MR. WEST, MR. STAVELEY HILL, and MR. EYKYN:—Power to send for persons, papers, and records; Five to be the quorum.

EDUCATION OF THE BLIND, &c. BILL.

(*Mr. Wheelhouse, Mr. Ward Jackson, Mr. Mellor.*)

[BILL 47.] SECOND READING.

Order for Second Reading read.

MR. WHEELHOUSE, in moving that the Bill be now read the second time, said, he had long felt that something ought to be done in fairness and justice for a class of persons who could not help themselves, more especially since it—allowing something, of course, on account of the infirmity with which its members were afflicted—was one which might by education be rendered eminently useful, and it was for that reason quite as much as from any sympathetic feeling which he might have for either the blind or the deaf and dumb, that he had been led to propose legislation in that direction. As he well knew the value of time on such occasions, and as he most probably would have, in consequence of the Notice put upon the Paper by the hon. Member for Clitheroe, another opportunity of addressing the House, and as in themselves the clauses evidenced fully the principle and construction of the Bill, it would probably be the better course at once to recapitulate those clauses, leaving statistical information out of the matter for the present; but he could assure the House that he had by him amply sufficient of such statistical results to prove a very strong case indeed, should it be asked for or desired. The 1st clause, then, provided that wherever a Board of Guardians was asked by the parents of an indigent blind or deaf and dumb child to send it to school, it should be compulsory on the guardians, under certain conditions, to comply with that request. The 2nd clause provided that where the parents had neglected their duty to the child, the Board of Guardians might, if it thought fit, step in and provide the necessary education; and the 3rd clause provided that part of the expense should be borne by the guardians and the other part by the parents, or by some one on their behalf. There was also a clause in the Bill, which provided that every child so sent to an institution should be kept there up to the age of 18 years. The remaining clauses had reference to the inspection of blind and deaf and dumb schools. He trusted that the House would, out of consideration for those whose humble advocate he was, permit the Bill to be read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Wheelhouse.*)

Mr. ASSHETON said, that in moving that the Bill be read a second time that day six months, he wished the House to understand that he did not object to the education of the blind, but to the particular scheme advocated by the hon. Member for Leeds. The hon. Member, in moving the second reading, had not explained what was meant by the word "poor" which occurred throughout the Bill; but from the context of the measure he (Mr. Assheton) inferred that "pauper" was the correct term. The object of the measure was doubtless good; but he took exception to the means, which he thought not only unsatisfactory but injurious. More than mere details were involved in the Bill. There was the old question of drawing the proper distinction between the dishonest and the honest poor. By one of the clauses, a child of bad character and of dishonest parents was placed in a better position than many children whose parents were honest though poor. With regard to the provision that the Board of Guardians should agree with the parents to pay a portion of the cost of educating the child, he would refer to the 4 & 5 *Will.* IV.—the Magna Charta of the poor—which he took as his stand-point on this question. According to that Act, the Board of Guardians were bound to provide schoolmasters, and the Commissioners were authorized to make such rules for the regulation and management of the poor in workhouses, and the education of children, as they might think proper, for the guidance of the Board of Guardians; and a Select Committee of that House, sitting from 1862 to 1864, reported favourably of the working of that enactment. The Act of 1862 provided that guardians of a Union might send any poor child to a school, and might pay out of the funds of the Union for the education and clothing of the child such a sum as did not exceed the total amount which would be paid for the relief of the child had it remained in the workhouse during the same period; and the term "school" was interpreted to mean, amongst others, institutions established for the benefit of the blind, dumb, deaf, deformed, and idiotic persons. Such was the present law, and the Committee reported that it had acted satisfactorily. Again, the Bill of the hon. Member had included only the blind, deaf, and dumb. For his own part, if this class of unfortunates should be educated by the State, he saw no reason why the lame, deformed, and idiotic should not be educated as well. Then there was the general question, which had been frequently raised, whether it was the duty of the State to provide education and maintenance for all poor children? If this Bill became law, there would be no need of private charitable institutions. Those who relied upon the doctrines of political economy might prove that it would pay to make blind persons become industrious and money-earning members of the community; and, on the other hand, it might be argued that, as it was the duty of parents to provide for those of their children who became afflicted, so it was the duty of the State to stand *in loco parentis* to those who had no parents able to support them. He desired to hear the opinions of the Government on this matter; because, if the Bill passed, they would have control over the matter, and, in his opinion, such a large question ought not to be dealt with by so small a Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Assheton.*)

Question proposed, "That the word 'now' stand part of the Question."

Mr. M'LAREN said, he regarded the Bill as an attempt to do too much good;

but he must draw a distinction between the blind on the one hand, and the deaf and dumb on the other. He thought that the blind were deserving of greater commiseration, because being deprived of the faculty of sight they were deprived of one of the means most essential to self-support. In the large institution at Edinburgh the system of allowing the patients to live within the building had been abandoned, and the blind children were encouraged to go to ordinary schools in the first instance, where they derived great advantage from association with other children. The schoolmasters received additional pay for teaching such scholars, which was a very simple matter; and it was found that the cost of such a system was far less than if the children were sent to blind asylums. He thought the Bill contemplated too much expense, and he should be glad to see it referred to a Select Committee, for the purpose of being reduced to smaller dimensions in this and other respects.

Mr. W. JOHNSTON approved of the principle of the Bill; but he objected to the machinery for carrying it into effect. In Belfast there was an admirable institution for the blind, at which children were maintained and educated for £12 a year—a sum very little more than their cost in the poorhouse. It was the duty of the State to interpose between the cupidity or carelessness of parents or negligent guardians, and compel the guardians to interfere on behalf of these afflicted children. He thought that, if the House agreed to read the Bill a second time, it should be referred to a Select Committee.

Mr. SYNAN said, he also approved of the principle of the Bill, and he would not have taken part in the debate had not the Bill been extended to Ireland. He desired to point out that the Act recited in the Bill, giving power to certify, did not apply to Ireland; that further, that the Bill did not provide that the institution or school to which a child was sent should be conducted on religious principles according with those of the child's friends. If the Bill was read a second time he should prefer to see it referred to a Select Committee, in order to make its machinery more effective.

Mr. DICKINSON said, no one could oppose the Bill without regret, because of the character of its object; but he could not agree to the introduction of Poor Law machinery for the relief of those who did not properly come within its scope. The education of the blind was a matter rather for private benevolence than for public legislation.

Mr. A. PEEL, on behalf of the Government, hoped the House would not consent to read the Bill a second time. There were insuperable objections to the machinery of the measure. Its whole tendency was to make it compulsory on the guardians to do what they already had a discretionary power of doing. The hon. Member, who moved the second reading, had failed to show any good reason for the interference of the Legislature on this subject; he had confined himself to the sentimental argument that these children ought to be wards of the State. The Bill named £24 as the minimum sum which the guardians might pay for the maintenance and education of a blind child. This was extraordinarily high, for the ordinary cost of a child in a workhouse, or district school, was about £16. It was true that expensive appliances were necessary for deaf, dumb, or blind children; but the sum mentioned would form a very heavy charge on the already overburdened ratepayers. By the 1st and 2nd clauses the guardians were compelled to provide for pauper children; and under the 3rd clause the guardians might extend their relief to children for whom partial contributions were made by other people. The effect of that would be to pauperize and disfranchise the parent. In fact, it was a permissive enactment to bring as many children as possible within the influence of pauper action. Other objections to the Bill were that it did not provide for repayment to the guardians of any part of the sum they might be called upon to disburse under it, even where the parents might be able and willing to contribute towards the support of their blind children; and that there was no reference to denominational schools.

Debate *adjourned* till *To-morrow.*

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, 5th May, 1870.

MINUTES.] — *Sat First in Parliament*—The Marquess of Westminster, after the death of his Father.

Public Bills—*First Reading*—Oyster and Mussel Fisheries Supplemental (No. 2)* (82); Children, &c. Protection* (84); Metropolitan Regulations* (85).

Second Reading—Medical Act (1858) Amendment (69).

Committee—Report—Oyster and Mussel Fisheries Supplemental* (62).

Report—County Courts (Buildings)* (80-83).

PRIVATE BILLS.

Ordered, That no Private Bill brought from the House of Commons shall be read a second time after Thursday the 16th day of June next:

That no Bill authorizing any inclosure of lands under special report of the Inclosure Commissioners for England and Wales, or confirming any scheme of the Charity Commissioners for England and Wales, shall be read a second time after Tuesday the 21st day of June next:

That no Bill confirming any provisional order shall be read a second time after Tuesday the 21st day of June next:

That when a Bill shall have passed this House with amendments these orders shall not apply to any new Bill sent up from the House of Commons which the Chairman of Committees shall report to the House is substantially the same as the Bill so amended.

DOMINION OF CANADA—THE RED RIVER INSURRECTION.—QUESTION.

Lord LYVEDEN wished to put a Question to his noble Friend (Earl Granville), which he believed would not infringe the understanding that Questions likely to lead to a debate should not be put without Notice—viz., Whether he was in possession of any information as to an arrangement made by the Canadian Government respecting the Red River Insurrection?

Earl GRANVILLE said, that the insurrection which broke out at the Red River at the end of last year had been a subject of much consideration to Her Majesty's Government. The Government of the Dominion declined to accept the transfer which it had been agreed upon should be effected in December, on the ground that they could not be called upon to do so when the Settlement, as it appeared, for the moment was in a state of anarchy. They accordingly stopped the payment of the money which was to be given to the Hudson's Bay Company. Her Majesty's Government, although not admitting the justice of the refusal, were convinced that any misunderstanding with the Dominion could only increase the difficulty of the position, and that the only mode of settling it was by a cordial co-operation of the Home Government, the Government of the Dominion, and the Hudson's Bay Company. To abandon that portion of Her Majesty's dominions to a state of anarchy, accompanied by bloodshed and possibly by civil war, almost certainly by the destruction of all trade in the Hudson's Bay territory, would have been dishonourable to the Crown and embarrassing as regards our relations with the United States. To establish a Crown Colony in a district so inaccessible as regards Great Britain would have been obviously unwise. Her Majesty's Government were convinced that the only course to pursue was to obtain the cordial co-operation of the Dominion and of the Hudson's Bay Company for the restoration of order. He was happy to say that this assistance was cordially and effectively given. The Government of the Dominion declared that they had no intention of withdrawing from the agreement into which they had entered, and that they were most desirous of conciliating the inhabitants of the Red River Settlement. But they were of opinion, in any event, that it was absolutely necessary that, at the time of taking possession a military force should be present in order to maintain tranquillity and to prevent possible collisions between the different races and creeds in the Settlement. Her Majesty's Government consented to this proposal—but on three conditions. The first was, that the transfer should be accomplished according to the terms originally agreed on. The second was, that the Government of the Dominion should supply at least two-thirds of the men and of the expenses of the expedition. The third was, that the Dominion should previously come to an amicable understanding, on terms which Her Majesty's Government could approve, with the settlers of the Red River district. The Papers, which would be presented to Parliament, as soon as they were printed, would show the continuous and judicious efforts which have been made by the Government of the Dominion to effect an amicable understanding with the Settlement, and their success appears, from the telegram which was published this morning, to be complete. In the meanwhile the Government had placed Sir John Young, the Governor General of the North Western Territory, in charge of the district during the time the transfer took place, and he (Earl Granville) had received a telegram from Sir John Young, reporting that on the 10th of March the Convention of the Red River had passed Resolutions asking for the presence of British troops to preserve the peace between different sections of the community, and that the Government of the United States had remonstrated as to a state of things which affords no security against alleged outrages on the border. The Dominion have already given orders for the payment of the sum agreed upon to the Hudson's Bay Company, and they have agreed to the terms proposed as to the composition and payment of the expedition. Her Majesty's Government have appointed Sir John Young Governor of the Hudson's Bay Territory until the transfer is technically effected, and they have assented to Imperial troops forming a portion of the expedition. It is intended that the Imperial troops shall return before the beginning of the winter. I have received from Sir John Rose this telegram, received by him this afternoon—

> "Sir F. Hincks to Sir J. Rose,
> "Ottawa, May 4.
>
> "Rupert's Land Bill passing Commons. Concurred in by delegates and Canadian party; in fact, by all in Territory. Expedition will be one of peace."

He (Earl Granville) should be sorry to finish this short statement without an acknowledgment of the great assistance Her Majesty's Government had received from the Governor General and his Advisers, from the able representatives of the Dominion in this country, and from the Chairman and Deputy Chairman of the Hudson's Bay Company. The Ministry of the Dominion seem to him to have acted during this year with singular judgment, decision, and conciliation, and to have been rewarded by the success they appear to have attained.

MEDICAL ACT (1858) AMENDMENT BILL.

(*The Lord President.*)

(NO. 69.) SECOND READING.

Order of the Day for the Second Reading, read.

EARL DE GREY AND RIPON: In asking your Lordships to give a second reading to the Bill, I will explain the grounds on which I wish to recommend it to the House. I may first mention that there are in the three kingdoms no less than 19 bodies who are empowered after examination to grant licences to persons desiring to practice in medicine, such licences entitling the holders to have their names placed on the Medical Register. The regulations of these different bodies are various, and so also are the qualifications required of those to whom the licences are given. With a view of mitigating the inconveniences obviously attending so many varying examinations, the Act of 1858 established a General Medical Council, and gave it to a certain extent a power of supervision over the licensing bodies. It provided that, if the terms on which licences were granted appeared in any case wholly inadequate, they might represent the fact to the Privy Council, which should thereupon have power to suspend the right of that particular body to grant licences. The Act also enabled two or more of these various bodies to combine for the purpose of holding a joint examination. The power of recommending suspension given to the Medical Council could, it is evident, be exercised only in extreme cases, and, in point of fact, it has never been put into operation, nor has the power of combination been brought into practical operation during the 12 years which have elapsed. The country, consequently, is still suffering from all the inconvenience of having 19 distinct licensing bodies, whose licences indicate very different degrees of qualification, though all equally entitle the holders to admission to the Medical Register. This is unsatisfactory in more ways than one. Some of these bodies examine in medicine only, or in surgery only, yet the persons so licensed in but one branch of the profession are admitted to the Register, and thus become eligible to practice in both, and, in certain cases, to hold public appointments. There is, moreover, a constant temptation for these bodies somewhat to underbid each other in their examinations, and the consequence is, that in many instances the examinations at the present day are of no higher character than they were some years ago. In many cases the standard is higher now than it was some years ago, and I make no charge against any particular institution; but there is considerable variation in the value of the qualifications shown by the licences; and cases have been mentioned to me of persons who, after having been "plucked," to use the ordinary expression, once, or perhaps more than once, by one body, have obtained licences at another institution, and have then flourished them in the face of the institution which had refused them. Confusion and complexity thus arise, and the public have no assurance that the appearance of a name on the Medical Register implies any definite amount of medical knowledge. Your Lordships may think that such a statement requires the corroboration of some professional authority. Now, last year, the General Medical Council appointed a committee to inquire into the question of medical education. It was composed of some of the most distinguished members of the Council, including the President (Dr. Paget), Dr. Christison, and Dr. Aquilla Smith, and it reported that one of the greatest evils of the present system was the inequality of the examinations; that the easy examination of one body tended to depress the standard of all the rest—a circumstance the more injurious that every licence conferred the right to practice; and that an arrangement should be made to have one Examining Board for each division of the kingdom. That report received the sanction of the Council, and the main provision of the Bill is based upon it. On considering how uniformity of examination and equality of qualification could best be secured, it was apparent to my mind that the most complete mode would be a single Examining Board for the whole country. There was, however, as I saw, great difficulty in arranging the practical details of the plan. Such a Board could not sit exclusively in London, for to expect Scotch and Irish students to come up to London, perhaps, for several examinations, would be unreasonable. If, on the other hand, the Board were migratory, the most eminent members of the profession would be excluded from it; for they could not be expected to neglect the scene of their practice in order to hold an examination at various centres; and the expense, moreover, of that plan would be much larger. The alternative, therefore, was the establishment of an Examining Board in each kingdom, as recommended by the Committee, under the supervision of the General Medical Council, to which should be given special powers of securing equality in the examinations. How, then, are such Boards to be constituted? One method would be to insert in the Bill a complete scheme for their constitution; another was to confer on some body the power of framing a scheme, to be subject to the approval of a Department of the Government, responsible to Parliament. A good deal might be said in favour of the former course; but the latter seemed more likely to be acceptable to the existing licensing bodies, who have rendered many services to the profession and the public, and are entitled to the greatest consideration consistent with the principle of establishing one Board in each kingdom. The Bill proposes, therefore, that the existing licensing bodies, or the majority of them, in each part of the United Kingdom, shall be at liberty, within a certain time, to propose a scheme for the establishing of a Medical Examining Board, to be submitted to the General Medical Council, and, if approved by it, submitted to the Privy Council for confirmation, their sanction being the final step for giving it validity. If, within that specified time, they are unable to agree on a scheme, the duty will devolve on the General Medical Council, who will then be empowered to draw up a plan and submit it to the approval of the Privy Council. This is quite in accordance with the existing Act, which gives power to these bodies to form such a Board; and after 12 years the time for permissive action is obviously over. I hope, and have every reason to believe, that the licensing bodies will take advantage of this opportunity and will prepare a scheme. The three Boards will act under the general supervision of the Medical Council, and the latter will be directed to take care that there is a uniform standard of examination. Your Lordships will bear in mind that the existing bodies are largely represented on the Medical Council. When the Boards have been established, admission to the Medical Register will be obtained, and obtained alone by persons who have passed their examinations, and obtained their licences to practice in medicine and surgery. Now, I am aware that not a few of the existing corporations would desire that membership in some one of them should be a further condition of registration; but it is unreasonable that persons who must have passed a stringent examination should be subject to any further stipulation. Efficient examinations will be a security to the public that all the persons on the Register possess a certain minimum degree of medical knowledge and experience. The 22nd clause, which I have introduced at the urgent desire of the profession, somewhat extends the existing law as to the penalties to be imposed on persons falsely representing themselves as qualified medical practitioners; but this section is only to be put into operation with the consent of the General Medical Council. There are objections on the part of some of the Universities to some other clauses. Now, I am in communication with the Scotch Universities, with the University of London, and also, through a gentleman who has been good enough to communicate with me, with Cambridge; while a similar feeling exists at Oxford. All I can say is, that it will be my desire to meet, not merely the wishes but the feeling of the Universities, and that I am prepared to modify those clauses. They are not of the essence of the Bill, and I desire to make it as acceptable as possible to the Universities. The noble Marquess (the Marquess of Clanricarde) who has just presented a Petition from the College of Physicians in Ireland does not appear, it seems, as the representative of Dublin University. A copy of the Petition which he has presented was sent to me, and I found that some of its objections went to the root of the Bill, while others are fair questions for consideration. I cannot see that to require in future examinations before one Board as a condition of admission to the Register infringes the privileges of the College of Physicians, for it is simply an extension of previous legislation, with the object of securing adequate qualifications. I am happy to say that the Royal College of Surgeons in Ireland take a different view, for I have received a copy of a resolution adopted by their Board, giving a general approval to the Bill. I have throughout received great assistance and information from the Medical Council, and I am glad to say that they also have by a resolution, passed by 15 to 3, expressed a general approval of the measure, and a hope that it may became law this Session. This shows the prevailing feeling of the profession. I have now stated the main provisions of the Bill; and I think I have sufficiently entered into the subject. I see that the noble Marquess (the Marquess of Clanricarde) has placed a Notice on the Paper, asking for further delay in the progress of the Bill. But, as the Bill has been three weeks before the House, and during that time has, no doubt been well considered, I can see no reason for further postponing the second reading. I believe it will effect a great improvement in admissions to the Register, and will tend to raise the qualifications of medical practitioners. I should regret, therefore, if its progress were delayed so as to endanger its passing during the present Session.

Moved, "That the Bill be now read 2^a."—(*The Lord President.*)

THE MARQUESS OF CLANRICARDE said, no doubt three weeks had intervened since the Bill was ordered to be printed; but that was no long time for the consideration of a measure which affected the medical corporations and practitioners in all the three kingdoms, and required consideration of every one who stood in need of medical aid throughout the land. In the Medical Council itself there had been many discussions, and several amendments had been suggested. Everything showed that the measure was one which required much consideration. He regretted that the measure proposed no change in the election of the Medical Council, for there was a feeling in the profession that the Council ought to be put on a wider basis. The Bill would create too much of a monopoly, and would shut out practitioners who might have a preference for methods of treatment differing from those which were generally adopted. The principle of uniformity might be carried too far. A tremendous power would be given to the Privy Council; and it was idle to say that there would be responsibility to Parliament, for Parliament could not hold the noble Earl responsible for any error of judgment committed by the Boards. He presumed the Privy Council would be advised by their Medical Officer, who, no doubt, was a distinguished and able man; but this was a life appointment, and during the lifetime of any person who filled it various inventions and improvements might occur, which under his direction the Privy Council might ignore or reject. He hoped a postponement would be granted, for the Bill seriously affected the rights and fees of the College of Physicians.

LORD CAIRNS: My attention has been called to the provisions of the Bill, more minutely than would otherwise have been the case by the circumstance that, it materially affects the University of Dublin, of which I have the honour to be Chancellor. Your Lordships are perhaps aware that that University possesses a medical school second to none in any part of the country as regards its extent and its standard of merit. Its great object has always been, not as has been intimated of other bodies to lower the standard of medical examination, but to raise it as high as possible. There is one part of the Bill which the University would gladly see passed into a law—that is the clause which provides for uniformity of examination. A great difficulty with which the University has had to contend has arisen from different standards of examination elsewhere, and it would be glad to see a uniform standard effected. I cannot admit the validity of the noble Earl's reason against a single Board for all parts of the country. It is quite true that there would be an inconvenience, if all the Members of the Board of Examiners were obliged to pass from England to Ireland, and from Ireland to Scotland; but there would be little or no inconvenience—it would at any rate be greatly reduced—if the Board were to consist of three or five Members, and if it were provided that at any examination in Scotland one Member representing England and one representing Ireland were present, and if, in like manner, Ireland and Scotland were represented at examinations in London. By that slight admixture it would be possible that the standard of examination would be maintained in uniformity throughout the United Kingdom. But the provisions of the other parts of the Bill seem to be very serious and to be deserving of much attention. The plain English of them all is, that they constitute the Privy Council the licenser for medical degrees throughout the whole country. It is true the majority of the licensing bodies or the Medical Council may prepare a scheme and submit it to the Privy Council, but the Privy Council will be able to modify it; and the scheme which finally becomes law will be the scheme of the Privy Council. So with regard to the examination rules; various bodies may agree upon the rules which they think fit to propose to the Privy Council; and under this Bill the Privy Council keep in their own hands the right of modifying and altering these rules, and the rules, when they become applicable to examinations will be those of the Privy Council. Again, the Board of Examiners is to be appointed by the Privy Council; and the result will be that a Board, under the authority of the Privy Council, is to have the power of granting these licences for practising in medicine and surgery. The consequence may be that any person who has never attended a clinical lecture, who has never heard a lecture on any branch of medicine, who has never walked a hospital or received any instruction in surgery, if he is able to acquire, by the process sometimes called "cramming," certain information, and to pass an examination before this Board, may become competent to practise in medicine and surgery under this degree of licentiate which is to be conferred by the examining Board. True, there are at present, 19 bodies which confer degrees; but their degrees will be entirely supplanted by this new degree of licentiate in medicine, which may be granted to a person who never matriculated in any University or any College of Surgeons, and I want to know of what use will be the power which is nominally reserved to these bodies of conferring degrees? Although it is quite proper to have an examination of a difficult and high standard before you grant a degree to practise in medicine, I am of opinion that of greater importance, than the capacity of passing an examination, are the training and discipline and the general education which will be acquired by attendance upon lectures and at hospital; and I hope when we come to the clauses that this will be insisted upon. It is proper that, in the public interests, there should be an uniform examination of a high standard, which every person must pass before he receives a degree; but at present the public has the security, not only that such an examination has been passed, but that a person who obtains a degree has matriculated under one of the existing licensing bodies. I only desire to call attention to this, which is an important point, and to express a hope that the noble Earl will allow ample time for the consideration of this subject before the Bill goes into Committee.

Lord TALBOT DE MALAHIDE said, that having given much attention to this subject, he fully concurred in what had been said as to the importance of having an uniform system; but there was one point which was not clear, and upon which he desired to have some information; and that was the point which had been discussed in a correpondence between the Medical Council and the Queen's University in Ireland. They were at issue upon the nature of the preliminary examination to be passed by a person desiring to practise; and the educational bodies of Ireland were disposed to insist on a higher standard of education than the Medical Council was disposed to grant. It was most desirable to insure some kind of uniformity in the general qualifications of the medical profession; and he, therefore, desired to ask whether, in the proposed regulations which were to be approved of by the Privy Council, there was any idea of including arrangements for a preliminary examination.

The Marquess of SALISBURY: This Bill may be shortly described as an attempt on the part of that voracious body—the Privy Council—to eat up all the licensing bodies of the United Kingdom, some of them being Universities. The noble Earl opposite (Earl de Grey and Ripon) says this Bill has been before your Lordships for three weeks. What is the fact? The noble Earl lays this Bill on the Table, and gives us the first hints we get of it on the day that noble Lords separate for the Easter Recess, and on which the members of the Universities separate for their vacation; and about a week after they have returned he comes down to this House and says he has heard of no objections to the Bill from the University of Oxford. It seems to me, from the haste with which the noble Earl is pressing forward this measure, that he is perfectly aware that if the various licensing bodies had time to look at it a little longer, however little they like it, they will like it less. The truth is, this is one of a class of Bills which, owing, I suppose, to the difficulty of getting any legislation through the other House, we have had a good many in recent years; it cuts the knot of difficulties of legislation by enabling the Government to hand over questions of detail to a permanent Department to legislate as it pleases. The mode of doing it is in the Bill concealed by certain provisions, which enable the medical authorities to submit any number of schemes for the approval of the Privy Council; but, after all the pantomime, the Privy Council has power given it to make, alter, modify, or confirm whatever rules it pleases. In fact, the Privy Council is constituted the permanent legislative body. If the Privy Council meant my noble Friend, or the distinguished statesman who serves under him, political differences apart, there are no two men I would sooner intrust with legislative power. But we all know the enormous powers possessed by the permanent officials of the Department—by those who look after the education and the health of the people and the diseases of cattle; they all write under that mythic name, "My Lords," and exercise almost undisputed powers; but I confess I am not prepared to abolish these 19 licensing bodies for the purpose of installing Dr. Simon in their place. I do not dispute the high standing of that officer, but I am not inclined to foster the power possessed by these permanent irresponsible officials at the expense of independent corporations, which have done so much to make England a self-governing and prosperous country. I hope, therefore, we shall have from the noble Earl an assurance that the demand for this enormous legislative power is not to be pressed, and that he will reserve to the Privy Council what alone it has a right to—the power of approval. With respect to the other portions of the Bill, I fear the great danger is it will destroy the independent schools of medicine in this country. In the House of Commons my noble Friend was one of the most ardent worshippers at the shrine of examination; but he would not be willing to have his leg amputed by a man who had done nothing but read about cutting off legs; and, therefore, I say that in the matter of medicine, and still more in that of surgery, it is absolutely childish to be satisfied with your examination. I think the public bodies and the public will be dissatisfied with this Bill unless it contains provisions which will require those who are allowed by the Government to practice in this country something beyond the mere book learning which only an examination can test. It was understood by many of those who represent the licensing bodies in London that it was intended to allow a second examination to be required by the licensing body, in addition to the minimum examination to be instituted for the whole country. I do not know whether the noble Earl's intentions were rightly understood by those who consulted him on that point; on the point of the powers to be given to the Privy Council, and generally on the point of the concessions the noble Earl is willing to make in Committee, I think he ought to give us clearer explanations than he has done before he asks us to read a second time a Bill so trenchant in its provisions, and of which so slight notice has been given to all concerned.

EARL DE GREY AND RIPON said, with reference to the short notice of the Bill which, according to the noble Marquess, the two Universities had received, he had no idea but that the Universities should have the fullest opportunity of considering this measure. But it was not the fact that the Universities were unaware of what was going on, because there were on the Medical Council representatives of the Universities who knew, step by step, every proceeding; and the representative of Oxford University, who was perfectly acquainted with what might be called the genesis of the Bill, had rendered valuable assistance in preparing it. The noble Marquess on the cross Benches (the Marquess of Clanricarde) said the Bill entirely omitted to do that which he thought very desirable—namely, to considerably enlarge the Medical Council, and introduce into it the element of election. Now he (Earl de Grey and Ripon) did not think it was desirable to increase the number of the Medical Council; it was already quite large enough; and considering the functions it had to perform, it would not be well to open such a body for the reception of members elected by universal suffrage among the profession. As to the power vested by the Bill in the Privy Council, he was glad to find that his noble Friend (the Marquess of Salisbury) did not object to those clauses of the Bill which gave to the Privy Council the power of simple approval or disapproval of the scheme of the Medical Council; but he was afraid of the powers of modification which were given to the Privy Council. Now, he (Earl de Grey and Ripon) had carefully considered with the draftsman of the Bill whether this portion of the Bill would bear the interpretation put upon it, and would enable the Privy Council in practice to substitute a scheme of their own for that proposed by the Medical Council. There was no wish on his part that the Privy Council should possess powers of this description. But it seemed to him that there were some questions not strictly professional, but affecting the outside public—such, for example, as the fee demanded from candidates for leave to go before the Board of Examiners—as to which the Privy Council should be empowered to interfere, without, however, being compelled to disapprove the scheme *en bloc,* and thus compel the Medical Council to go through the whole process again. That was the reason why powers of modifying the scheme were given to the Privy Council. But on this part of the Bill Amendments would be proposed in Committee, and he should be glad to place those Amendments on the Table. A complaint had been made that there seemed to be no provision for any examination of candidates except in books and in theoretical work. Unquestionably, however, that was not the intention of the Bill; and if he held his present Office when a scheme so framed came before him, he should certainly exercise the power of vetoing or modifying which the Bill conferred upon the Privy Council. Clause 10 of the Bill proposed to enact that the General Medical Council should regulate the admission of candidates and the general course of professional studies. It was intended that the Council should prescribe the general attainments in other than scientific branches of candidates, and should also prescribe the course of professional studies, including, of course, the actual study of disease. The Bill referred to knowledge "whether practical or theoretical;" and this expression was adopted in order that the examinations — for his idea was that there would be more than one—should be of a strictly practical character. On this part of the measure it might be a proper subject for consideration whether the Medical Council should not be authorized to accept, as part of the examinations to be conducted by the Examining Board, the examinations at the Universities. There was nothing in the Bill to prevent such a provision. As to the general desire that had been expressed that the time for going into Committee should be somewhat extended, he would only say that, if the Bill were allowed now to pass a second reading, time would be given before it was considered in Committee. For personal reasons he was unable to mention the precise day, but he would place it on the Paper for Tuesday next, with the distinct understanding that the matter would not then be proceeded with, but would be deferred for a considerable time. The modifications he intended to propose should be laid on the Table in ample time before the Committee was finally fixed.

Earl GRANVILLE said, that the Council of the University of London approved the Bill, with certain Amendments, which he believed his noble Friend was prepared to introduce.

Motion *agreed to*.

Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

LANDED ESTATES COURT—COMPULSORY SALES OF LAND (IRELAND).

QUESTION.

Lord DUNSANY asked Her Majesty's Ministers, Whether their attention has been called to the attempted sale of an estate in the county of Roscommon in the "Landed Estates Court" of Ireland on the 21st April, when the Judge, while stating that intimidation was used against an intending purchaser, overruled the objections made by the owner to a compulsory sale under the circumstances; Also whether, if the facts as stated by the public Press are correct, it is the intention of Her Majesty's Ministers to take steps to prevent the sacrifice of property resulting from compulsory sales in the present disturbed state of Ireland? Now that the conditions under which property was held in Ireland were in course of alteration, arising from various causes, he thought the present a suitable time for calling the attention of their Lordships to a new and very strange species of agrarian intimidation which was practised in that country. As he could best explain the circumstances of the case by reading a paragraph which had appeared in the newspapers, he would adopt that means of bringing the matter before the attention of Her Majesty's Ministers, especially as he had ascertained that the report, which was similar in all the papers he had read, was a substantially correct statement of what actually occurred. The statement was, that an episode had occurred in the Landed Estates Court recently which afforded a strange example of the intimidation which was practised in some parts of the country. An estate in the county of Roscommon was put up for sale, and one lot was knocked down to a solicitor named Fry, as the highest bidder, at 13½ years' purchase; but the buyer subsequently refused to have the property, alleging that there was a higher bidder, and that he had received a letter cautioning him not to buy it. The order for the sale was eventually cancelled by the Judge. Now, the Judge was, he thought, fully justified in adopting the course which he had taken in that instance. No sale, therefore, having taken place, no harm followed. But passing from that episode, as it was called, which was even much more strange in its true particulars than it was as reported, he would venture to ask their Lordships whether grievous injury might not result from the forced sale of property in certain districts in Ireland? A large amount of land was constantly being disposed of in the Landed Estates Court in that country, and it might well happen that in certain districts of it, it would be found almost impossible to find a purchaser who would give anything like a fair value for property thus sold. Under these circumstances, it was a question well deserving consideration, whether there ought not to be some legislation on the subject? The Judge of the Court was placed in a position of great difficulty. It might occur to him that, under the present circumstances of Ireland, it might be desirable that property should be withdrawn from the Court; but no one would say whether those circumstances were normal or not. The price for which an estate might be sold might involve, in many instances, the comfort and absolute ruin of the members of a family, and the matter was one, therefore, which, in his opinion, demanded the attention of the

Government. He wished, also, to view the question in connection with the contemplated legislation with respect to the relations between landlord and tenant in Ireland, and he confessed it appeared to him that, in justice to the buyer, as well as the seller of property in that country, there ought to be a suspension of the sales in the Encumbered Estates Court for a time. The Parliamentary title which it gave to the purchaser was now held to be good against all the world; and how would it, he would ask, be fair or honourable on the part of Parliament to profess to give an indefeasible title, while it was about, at the same time, to hand over to others a portion of those rights which the buyers of property now possessed?

Lord DUFFERIN said, the distinction which had been drawn by his noble Friend between the alleged circumstances of the case to which he had referred and the real facts was a sufficient indication in itself that it was not on that case he meant to found the latter portion of his remarks. And although it was sometimes inconvenient to refer to proceedings which might have occurred in a Court without having before one the official account of those proceedings, he thought he might venture to say that although it was perfectly true that, from time to time, some influences were brought to bear upon an intending purchaser, which might be classed under the head of intimidation, yet those influences sometimes proceeded from other sources than those to which they were attributed. In this particular case the intimidation towards the intended purchaser came from a member of the family. It was stated that he was encountered by the muzzle of a blunderbuss protruding from a window of the mansion; but, however that might be, the learned Judge of the Landed Estates Court—a gentleman who was entitled to the confidence of all those who had had occasion to submit their property to his arbitrament—expressed his opinion that the intimidation was not of a nature which ought in the slightest degree to stop the sale. The property had been bought by the representative of one of the daughters of the gentleman to whom the estate belonged; but should she fail to pay the purchase money within the time specified the late purchaser would be then declared to be the legitimate owner of the property. His noble Friend had further asked Her Majesty's Government to bring forward a Suspensory Act to prevent any sales in that Court for the present; but he (Lord Dufferin) would venture to remind his noble Friend of the position in which that would place those unfortunate persons who, being mortgagees of property, would be unable to receive either principal or interest. Indeed, he believed that in the very case to which his noble Friend had referred all the creditors except one had been unable to obtain a single shilling of the interest on their money. He was sure his noble Friend would not desire an indefinite number of years to roll by without their being able to get any remedy whatever in the Landed Estates Court. There was in his opinion no reason whatever for placing those persons who might in the future be in the habit of purchasing in the Landed Estates Court in a different position from those who had already purchased in that Court.

REGIMENTAL CANTEENS.

ADDRESS FOR PAPERS.

Lord COLCHESTER rose to move for Copies of the recommendations addressed by the Home Department to Chairmen of Quarter Sessions relative to the visits of local inspectors of weights and measures to regimental canteens, and of any answers received thereto. For many years inspection of the weights and measures used in regimental canteens had, with very few exceptions, been carried on without opposition. He believed that, in some cases, regimental canteens were licensed to sell liquors and other articles to the public at large, and not merely to the troops; and these certainly ought to be open to the visit of inspectors of weights and measures in the same manner as other licensed houses. Last year, however, two cases occurred in which the right of the inspector was disputed. It appeared that the War Office issued instructions to the effect that the inspectors should not be allowed to enter the canteens. One inspector summoned an adjutant for obstructing him in the execution of his duty, when he was informed that canteens were not open to inspection. The result of the hearing before the magistrates was, that the adjutant was fined

40*s*. for obstructing the inspector; and from that decision there appeared to have been no appeal. A similar case occurred at Woolwich, when the officer in charge of the mess-room was summoned. In that case the justices dismissed the summons, on the ground that the defendant believed himself to have been acting legally. After this the War Office found it necessary to issue different instructions, in which they directed that the weights and measures in canteens should be inspected twice a year in England and Scotland; but although the inspectors were to be at liberty to inspect the canteens, they were prohibited from removing any of the articles without the sanction of the Secretary of State for War. Then the Home Office issued a circular to the magistrates, advising them to direct the inspectors to take the course of simply reporting to the military authorities. In so doing they issued instructions which they had no power to enforce. The Middlesex magistrates at their meeting in February last resolved, with reference to the Home Office circular—

> "That the Court is of opinion that it is incompetent in the interests of public justice that the suggestion of the Secretary of State should be adopted."

In his opinion the Department had lowered its position by exposing itself to be treated in this cavalier manner. The whole subject was under the consideration of the Royal Commission on Standards, and Parliament might perhaps think fit to modify the law so as to limit the rights of inspectors with reference to canteens. Until, however, there was such legislation, no executive authority ought to claim superiority over the law of the land.

Moved, That an humble Address be presented to Her Majesty for, Copies of the recommendations addressed by the Home Department to Chairmen of Quarter Sessions relative to the visits of local inspectors of weights and measures to regimental canteens, and of any answers received thereto.—(*The Lord Colchester.*)

THE EARL OF MORLEY said, he had no objection to the production of the Papers, although he wished to make a few remarks on the circumstances which led the Home Department into the position described by his noble Friend. A case occurred in Hampshire last year in which an inspector of weights and measures was called in to inspect the weights and measures of a regimental canteen. Doubts were raised as to whether it was within the province of inspectors to inspect canteens; and, accordingly, a communication was made to the Home Secretary, who consulted with the Law Officers of the Crown, and was informed by them that, in their opinion, regimental canteens did not come within the purview of the Act, because they were Crown property, and consequently exempted from statutory provisions, unless specially mentioned therein. Under these circumstances, a circular was issued by the Home Secretary to the Chairmen of Quarter Sessions. A request, not an order, was made that the inspectors of weights and measures should be allowed to visit the regimental canteens within their jurisdiction; but, instead of proceeding in the ordinary way, that they should be at liberty to report anything to which they might desire to call attention to the War Office. In some cases this request had been complied with; in others it had been negatived, in accordance with a power undoubtedly existing. That was the whole case; and if his noble Friend thought it for the interests of the public that the Papers should be produced, the Government would offer no objection.

Motion agreed to.

IRISH RECORDS.

MOTION FOR PAPERS.

LORD TALBOT DE MALAHIDE said, that before he put the Question of which he had given Notice to the noble Lord the Master of the Rolls, he desired to express his sense of the great obligations which the country owed to the noble and learned Lord for his exertions in arranging, classifying, and rendering accessible to the public the invaluable records of the kingdom. As regarded the Irish records, the labours of the noble and learned Lord had been no less unceasing; and in the new Record Office in Ireland much had been done to improve the value of the collection, and the facility of access on the part of the public. But there were, unfortunately, great gaps in the Irish collection, particularly in the earlier periods; whereas in England—he was afraid to venture upon the precise figures—but, suffice it to say, an enormous collection of the most valuable records connected with Ireland had been accumulated. These ran back to the time of Henry II. If the originals could not be parted with, it was at least desirable that copies should be made and deposited in the Irish Office. He begged, accordingly to ask the noble and learned Lord, Whether there would be any objection upon his part to the adoption of this latter course? He was also desirous of ascertaining from Her Majesty's Government, Whether any objection existed to the production of the correspondence which had passed between the Master of the Rolls and the Treasury upon this subject.

Moved, That there be laid before this House, Copies of correspondence between the Master of the Rolls and the Treasury on this subject.—(*The Lord Talbot de Malahide.*)

Lord DUFFERIN gladly endorsed everything which had been said as to the great obligations under which the country laboured to his noble and learned Friend (Lord Romilly). He was not in a position to enter further into the subject which had been raised, but would take care that the observations which had been made should be communicated to the Secretary to the Treasury. It would, however, be contrary to the usual practice to communicate to either House of Parliament a correspondence which had passed between different Departments of the Government.

Lord ROMILLY thanked his noble Friend who had introduced this subject, and his noble Friend who had just sat down for their kind expressions; but he was bound to say that the credit of what had been accomplished was principally owing to the support and liberality of successive Governments, given without any distinction of politics whatever. All the records the noble Lord referred to were in the Rolls Office; and nothing would be more easy than to have full and complete copies of them all made and sent to Ireland, but the expense of doing so would be very considerable. On that point he could give no answer to his noble Friend, who must, therefore, apply to the Government. Copies of the documents, however, would not be of very much value, unless a calendar accompanied them—that was to say, a chronological catalogue and *résumé*, without which documents of this class were not very easily inspected. If the Government thought fit to make the outlay which this would involve—as to the amount of which he could form no estimate whatever, except that it would be very large—he should be glad to give his assistance.

CHILDREN, &C. PROTECTION BILL [H.L.] (No. 84.) A Bill for the better protection of Children, Servants, and Apprentices: And also,

METROPOLITAN REGULATIONS BILL [H.L.] (No. 85.) A Bill to provide Regulations for the government of the Metropolis in certain matters:

Were severally *presented* by The Marquess Townshend; read 1^a.

House adjourned at half past Seven o'clock, 'till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 5th May, 1870.

MINUTES.] — Public Bills — *Resolution in Committee* — *Ordered* — *First Reading*—Pier and Harbour Orders Confirmation * [117].

Committee—Irish Land [29], *adjourned debate resumed and again adjourned.*

Committee — *Report* — Bridgwater and Beverley Disfranchisement * [98]; Norwich Voters Disfranchisement * [99].

Third Reading—Attorneys' and Solicitors' Remuneration * [6], and *passed.*

HABITUAL CRIMINALS ACT.

QUESTION.

Mr. STAPLETON said, he would beg to ask the Secretary of State for the Home Department, Whether he can give the House any information as to the working of the Habitual Criminals Act; and whether he will, before the close of the Session, lay any Papers upon the Table to illustrate the working of that Act?

Mr. BRUCE: Sir, the amount of accurate information possessed by the Home Office on this subject is not very considerable, although the general statement received, both with respect to the metropolis and several large towns, such as Manchester, Liverpool, Birmingham, and Leeds, is satisfactory. The number of persons registered as having committed offences in the first Schedule of the Act since it came into force on the 9th of August last, up to the 28th of March, for England and Wales, excluding the metropolis, is 9,776, and in the metropolis, 2,501 — making altogether, 12,277. Of these, 1,155, having been previously convicted, are subject to police supervision. Other offences were created under the Act. I have received this morning a Return from several considerable towns up to the 28th of March; but I have not yet had time to examine it. In the metropolis and police district there have been convicted of receiving stolen property under the Act, 30; of harbouring thieves, eight; of purchasing metal, six; of assaults on the police, where the sentences exceed two months, 64; and the number of suspected persons, loitering vagrants, &c., is 287. The reports from Birmingham and other large towns speak very encouragingly of the operation of the Act. The mere apprehension of the enforcement of the Act has had a beneficial influence. Before the end of the Session I shall have an opportunity, in introducing an Amendment of the Habitual Criminals Act, to communicate to the House full information on the subject.

THE MINT—COINAGE FOR FOREIGN COUNTRIES.—QUESTION.

MR. DIXON said, he would beg to ask Mr. Chancellor of the Exchequer, Whether the Mint has lately received, or tendered for, an order for Coinage from a South American Government; and, if so, at what price; whether the policy indicated in the following extract from the supplementary Memorandum on the changes proposed in the Mint, dated November 17, 1869, is hereafter to be adopted by Her Majesty's Government—viz.—

> "That there would appear to be no reason why the Mint should refuse to undertake the execution of Coinages for Foreign Governments. Many Contracts for Foreign Coinages have of late years been executed at Birmingham with large profits to the Contractor; and it is obvious that the Mint, with the appliances at its command and the risk to which it may at any time be exposed of being left unemployed, could with advantage undertake such Contracts;"

and, whether, in his opinion, such a policy, if adopted by the Government, could be otherwise than injurious to the manufacturing interests affected by it?

THE CHANCELLOR OF THE EXCHEQUER: Sir, it is quite true that the Government have entered into a provisional arrangement with the Republic of Uruguay, in South America, for silver and gold coinage. The arrangement, at present, is only provisional, and I cannot give details as to price. As to the second point, I have very carefully and anxiously examined the question, whether it is possible that the whole coinage of this country could be conducted by contract; but I have satisfied myself, for reasons which appear to me conclusive, that it would not be attended with economy or security. The next question is, whether we may adopt the policy of executing orders for the coinage of other countries — a policy adopted by almost every country in Europe. We are obliged to keep up very large and expensive establishments, which have often very little to do. Last year there was a considerable gold coinage. This year it will be very light. I am, therefore, of opinion that it is desirable, rather than keep our establishments unemployed, that we should do as other countries do, and undertake orders for the coinage of other countries. I am prepared to enter into engagements of that kind, and to execute such orders, to keep our establishments not otherwise employed. As to the question of injury to parties in the manufacturing towns, I am not aware that the private coiners of this country ever executed gold or silver coinage, and therefore I do not see how this engagement of the Mint can be injurious to them. As to the bronze coinage, I believe it was executed in Birmingham; but I am bound to say that if it had been possible to employ the Mint upon it, it would have been executed more cheaply than it could be by contract. The result of my answer to the Question of my hon. Friend is that we are prepared to act for foreign countries, and to undertake the execution of coinages for them.

BETTING ON HORSE RACES.
QUESTION.

MR. T. HUGHES said, he would beg to ask the Secretary of State for the Home Department, Whether, having regard to the public scandal connected with betting on horse races, and to the failure of the attempts in the Jockey Club to provide an adequate remedy, the Government will be prepared to take the necessary steps with a view to legislation on the subject at an early date?

Mr. BRUCE: Sir, in consequence of the information received at the Home Office of the great and widespread mischief arising from betting on horse races, authority was given to the Chief Commissioner of Police (Colonel Henderson) to institute proceedings against betting-houses, and the effect, on the whole, has been considerable. One effect was to bring into light some defects of the existing law. One doubtful question is now under the decision of the Courts of Law. Another effect of the operation has been that the persons convicted in this country have taken refuge in Scotland, where the Act does not apply, and formed establishments abroad, especially at Boulogne. The Lord Advocate has, so far as Scotland is concerned, we shall in course of preparation, a Bill by which, be able to check the evil. With regard to Boulogne and other foreign parts, the question is under consideration whether the present law is not sufficient to meet the case of advertising such houses. The whole subject is under consideration, and I shall be prepared, I hope, with the means of remedying the deficiencies of the existing law.

ARMY—CONVICTED ARMY RECRUITS.

QUESTION.

Mr. STACPOOLE said, he would beg to ask the Secretary of State for War, Whether it is true that the Lieutenant Colonel of the Grenadier Guards applied to the Horse Guards for permission to discharge a recruit who had been apprehended three days after he enlisted, on a charge of robbery committed previous to his enlistment, and sentenced to six months hard labour in Norwich Gaol; whether His Royal Highness the Commander-in-Chief was pleased to decide that the prisoner should be retained in the service; whether the Secretary of State will endeavour to initiate a system which shall tend to discourage the retention in the ranks of convicted felons; and, whether the Secretary of State will consent to produce the Correspondence on this subject between Colonel Bruce and the officials of the Horse Guards?

Mr. CARDWELL: Sir, a recruit was convicted in the circumstances implied in the Question of the hon. Gentleman; but as he had received his kit and part of his bounty, and as there was nothing to prevent his re-enlisting, if discharged, the Adjutant General, with the approval of His Royal Highness the Field Marshal Commanding-in-Chief, decided against his discharge. As regards initiating a better system, I may take the opportunity of saying that I intend, when we renew recruiting, to endeavour to do so without bounty. As respects the publication of the Correspondence, there is nothing in these particular letters which there would be any objection to produce; but I am of opinion that, speaking generally, the House will seldom think it right to call for the production of letters from the commanding officers of a regiment to the authorities at the Horse Guards.

REVENUE COLLECTORS.

QUESTION.

Colonel GRAY said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it is proposed that the change in the mode of levying and collecting the Income and other Taxes shall come into operation this year; and, if so, whether the services of the present Commissioners, Assessors, and Collectors will be no longer required; if those of the latter (the Collectors) only are dispensed with, whether any compensation will be made to such of them as have, for a number of years past, devoted the whole of their time and energies to the duties of the office?

The CHANCELLOR of the EXCHEQUER said, in reply, that the Bill having reference to the collection of the Revenue would not come into operation until 1872, consequently the services of those at present collecting the Revenue would be required to continue doing so next year. Consideration would, of course, be given to the case of persons who had served for a long time, and who had given their whole attention to the subject. At present, the Government proposed to follow the plan of the Bill introduced in 1864, and thrown out by a majority of 3 on the third reading, on account of provisions which did not affect this point.

ARMY—CASE OF COLONEL BOXER.

QUESTION.

Major ANSON said, he would beg to ask the Secretary of State for War, If he will read to the House the private Minute of the late Secretary of State for War with regard to Colonel Boxer's claim for reward for his invention; and, if he will explain the discrepancy between that Minute and the official Letter of the Director General of the Ordnance, dated 4th January 1868?

Sir JOHN PAKINGTON: This Question, Sir, relates so much to me that my right hon. Friend (Mr. Cardwell) agrees with me that it would be more fair, both to him and to myself, that I should give the answer to it. I have brought down to the House a copy of the Minute, and since I have been in the House my right hon. Friend has very kindly placed in my hands the original. In answer to the first part of the Question of the hon. and gallant Member, as to whether my right hon. Friend would read the Minute, I have to say that after what fell from me on the subject last Friday the Minute, in fact, became public property. I have not the slightest wish to withhold it, and if I had any such wish I should not have a right to exercise it. I am, therefore, perfectly willing to read the Minute, or if the hon. and gallant Gentleman would think it more satisfactory, that every Member of this House should read it for himself. ["No, no!"] As it seems to be the wish of the House, I will read the Minute. It is in these words—

> "This question of pecuniary reward to Colonel Boxer involves a decision between the two principles so clearly described in the Minute of General St. George—namely, whether on the one hand, as stated by Colonel Boxer, the 'duties of a Superintendent of a manufacturing department are confined to the manufacture of approved articles,' or, on the other, as contended by General St. George, that 'ingenuity and talent are among the qualifications for which a Superintendent is selected, that a certain salary is attached to the office which is presumed to be adequate, and that by such payment the Government becomes entitled to all the time, talents, and exertions of the officer.' I agree with General St. George and the Reward Committee, and I therefore approve of their Report. The latter of the two principles stated above seems to me to be sound, and I do not think any Government would employ an officer who avowed his intention to act upon the former. But while I reject the principle that a Government officer is entitled to assess at a money value every improvement which his professional knowledge may enable him to introduce into his department, I do not wish or intend to lay down that Government officers who originate useful inventions are in no case to receive pecuniary reward. We have many precedents for such rewards; Colonel Boxer has himself received them. But I think they should be reserved for inventions of conspicuous merit and public advantage, and given in each case only after careful consideration and inquiry by the Secretary of State.
>
> "J. S. P., 28, 12, '67."

That is the whole of the Minute, and my right hon. Friend asks me to explain the discrepancy between it and the official letter of the Director General of the Ordnance, dated the 4th of January, 1868. General St. George wrote the following endorsement upon my Minute:—

> "Draft a letter to Colonel Boxer embodying the decisions of the Reward Committee as that arrived at by the Secretary of State. Express at the same time Sir John Pakington's sense of the value of Colonel Boxer's services in his position as Superintendent.
>
> "J. St. G., 31, 12."

Before I refer further to this endorsement, I may perhaps be allowed to say that I am very glad of this opportunity of removing a misapprehension which exists in some quarters, to the effect that words which have been made subject of question were improperly introduced by some clerk in the War Office in the interest of Colonel Boxer. I feel bound to say there is not the slightest ground for any such suspicion. I am sure my right hon. Friend will agree with me when I say that there is not in the War Office a gentleman of higher character than he who was intrusted with this matter. He is, I may say without fear of contradiction, above suspicion of any unworthy conduct; but, irrespective of that consideration, I beg leave to state that in this case there really was no room for suspicion. The House will have observed that in General St. George's endorsement reference is made to the decision of the Reward Committee; and here I should state that, in consequence of the numerous applications made to me for money rewards by inventors, I formed a committee within the War Office of some of its highest officers, and I called upon this committee to report to me their opinion upon these various claims for rewards for inventions, and upon Colonel Boxer's among the rest. The committee reported against the gift of any such reward, and with respect to two of the claims they grounded their refusal on the fact that Colonel Boxer had taken out a patent. Under the circumstances to which I have adverted the draft of the letter in question was written. That draft was passed by General St. George, who also signed the letter itself. General St. George is not in England now, or he would, I have not the slightest doubt, endorse my belief that there was not the slightest design in the words which have been made the subject of comment, because they appeared to him to convey the meaning I endeavoured to convey to the House last Friday—namely, that, although we could not for a moment allow Colonel Boxer to derive profit from Government supply, we could not, so long as he held the patent, interfere with arrangements he might make respecting the supply either of Foreign Governments or the public in this country. I have now stated the whole of the facts; and I have only to add that there is not in the War Office a single Paper connected with the subject which, as far as I am concerned, this House and the public are not quite at liberty to see.

SCOTLAND—LUNACY COMMISSION.

QUESTION.

Mr. CRAUFURD said, he would beg to ask the Secretary of State for the Home Department, Whether the vacancy in the Scotch Lunacy Commission, caused by the retirement of Dr. Brown, has been filled up by the appointment of another paid Commissioner in opposition to the evidence given by the Lord Justice Clerk before the Commissioners on Scotch Offices, to the effect that one paid Commissioner would be now sufficient to carry on the work of the Lunacy Board, in opposition also to the recommendation of those Commissioners, that the Boards of Supervision and of Lunacy should be amalgamated, and notwithstanding the request made on behalf of the Select Committee now sitting on Scotch Poor Law, that the vacancy in the Lunacy Commission should not be filled up until the Report of that Committee had been presented to the House and considered by Her Majesty's Government; if the vacancy has been so filled up, what special or urgent reasons have caused him to disregard the several official remonstrances addressed to him on this subject, although for many months past one paid Commissioner had practically been found sufficient to carry on the business of the Board; and, what is the date on which the appointment was made?

Mr. BRUCE said, in reply, that the appointment alluded to by his hon. Friend had been filled up because, in the opinion of the Government, it was absolutely essential for the efficient performance of the duties of the Department. The Members of the Lunacy Commission of Scotland were two Commissioners and two assistants. The duty of the two Assistant Lunacy Commissioners was to travel about and examine the state of the various lunatic asylums; while as to the Commissioners, one had to be always present at the Board, and the other travelled about and examined asylums. These duties could not be performed well by any one Commissioner, and though attempts had been made during the illness of one of them for the other to fulfil those duties, it was satisfactorily proved to him (Mr. Bruce) that such a state of things ought not to be allowed to continue. There had, however, been no such recommendation as that referred to in the Question of his hon. Friend.

Mr. CRAUFURD said, he would give Notice that he would, in Committee of Supply, take the opinion of the House on the propriety of altering the salary of the second Commissioner.

BRIDGWATER AND BEVERLEY.

QUESTION.

Mr. HIBBERT said, he would beg to ask the First Lord of the Treasury, Whether, in the event of the Bill for the Disfranchisement of Bridgwater and Beverley becoming Law this Session, he will postpone the introduction of any measure for the re-distribution of the Seats until a Return of the Census of 1871 has been presented to Parliament?

Mr. GLADSTONE replied that, as far as the view of Her Majesty's Government was concerned, it did not necessarily follow the disfranchisement of Bridgwater and Beverley that any measure would be introduced dealing with the disfranchised seats.

CANADA—RED RIVER SETTLEMENT.

QUESTION.

Sir CHARLES ADDERLEY said, he had reason to believe that the Colonial Office had received satisfactory information relative to the state of affairs in the Red River Settlement. If that were so, perhaps the right hon. Gentleman the Under Secretary of State for the Colonies would have no objection to state to the House the nature of the information he had received?

Mr. MONSELL, in reply, said, he was pleased to be able to state that Her Majesty's Government had received information of a most satisfactory character. The delegates appointed by the Red River Convention had come to a perfect agreement with the Government of Canada as to the terms upon which the Red River Settlement was to be annexed to Canada. That information had been received by telegraph; the telegram, received that afternoon, stating that the Bill sanctioning that arrangement was in course of passing through the Parliament of Canada, and that there was no doubt that the whole matter would now receive a perfectly peaceful solution. His right hon. Friend had only given him Notice of his Question a few minutes ago, and as he had not the document now by him, if he would repeat his Question to-morrow he (Mr. Monsell) would bring it with him, and give the most detailed information which Her Majesty's Government possessed on the subject.

IRISH LAND BILL—[Bill 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

COMMITTEE. [*Progress 2nd May.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 3 (Compensation in absence of custom).

Mr. GLADSTONE said, he wished to make an appeal to the hon. Member for Kilkenny (Sir John Gray). The hon. Member, by the Amendment of which he had given Notice, had raised a question of very great interest and importance; but the addition he proposed to make by way of "rider" to the 3rd clause was an addition which, in point of fact, contained within itself—very evidently considered and expressed with much care—the provisions of a very important Act of Parliament. He did not urge that as a reason why they should not adopt a clause to that effect; but he would say that the addition which the hon. Gentleman proposed to make by way of alternative to the 3rd clause was really not an alternative to the 3rd clause, but to the whole of that portion of the Bill; and, consequently, it had no proper place in that clause. It was not another mode of proceeding in lieu of the 3rd clause; but another mode of proceeding in lieu of that clause and the other clauses which followed it. Under those circumstances, he thought it was plain that, consistently with the usual practice of the Committee, and with the obvious dictates of good sense, it was hardly desirable that any decisive issue should be taken on the hon. Member's proposal as an addition to the 3rd clause. Even those who might approve it would scarcely wish to add it to that clause. The Government would give the hon. Gentleman's proposal a perfectly impartial and dispassionate consideration when they were able to deal with it in its proper place, but not as a mere appendage to the 3rd clause.

Sir JOHN GRAY moved his Amendment *pro formâ;* but after some discussion, withdrew it, on the promise on the part of the Government that they would at an appropriate time afford all facilities, so that it might be brought on at a convenient hour and thoroughly discussed.

Amendment *moved,* in line 29, after "void," insert—

"Except in case of a tenant who has executed a lease or an agreement for a lease in accordance with any of the leasing provisions of this Act."—(*Mr. Bruen.*)

After a few words from the Solicitor General for Ireland—

Amendment, by leave, *withdrawn.*

Dr. BALL said, he wished to call the attention of the House to the wisdom and propriety of introducing some statement to guide the Judges, who would have to administer the law, as to the principles on which they were to proceed. His Amendment proposed to declare that—

"The Court in awarding compensation under this section shall have regard to the terms and conditions subject to which the tenant originally obtained possession of his holding, to the period of actual enjoyment by the tenant, to the rent payable by the tenant, during such his period of enjoyment, as proportioned to the fair letting value of the holding, and to any special circumstances connected either with the cultivation of the holding or with the mode or incidents of the termination of the tenure."

It seemed to him that unless the Bill contained some explanation of the subjects to be considered by the Judge as elements in forming his decision upon the claim of the tenant in cases within the 3rd section, great difficulty would be experienced in working the provisions of that section in the Courts. In every other description of legislation some indication was given of the view the Court was to take. There was no case which would arise under the clause of which two different views might not be taken. He would give one instance. The expression used at the commencement of the clause was "compensation for loss sustained by the tenant on quitting his holding." Now, in the case of some estates in Ireland, the land was let to tenants from year to year considerably under its value; and what he wanted to know was, whether if the tenant in that case was brought under this section, he was to get a larger amount of compensation, because his loss was the greater on account of the goodness and kindness of his landlord? Two views might in argument be presented to the Court. One, that the tenant's loss was to be measured by the value of what he lost; the other, the tenant having had the land extremely cheap had made a great deal of money out of it, and that, therefore, he ought not to be compensated. Surely some fixed standard in the matter was required, otherwise they might have 32 chairmen starting different interpretations of the law, and there would be a state of things produced which would parallel that once described in this country, when it was said that "equity varied according to the length of the Chancellor's foot." He admitted that some of the difficulties likely to arise might be obviated if the drawing of the Equity Clause was improved; and until they saw the exact words in which that clause was framed, it was impossible to say what would be the condition of the Bill. For that reason he did not mean to press his Amendment now.

Mr. GATHORNE HARDY asked whether a tenant would be at liberty to contract with his landlord at the time of receiving notice to quit, as to the amount of compensation which should be given; and whether, if a tenant then agreed to receive a specified sum, such a contract could be pleaded in bar to any action which the tenant might afterwards bring? He also asked whether, as a landlord who was a limited owner would have the power of agreeing with his tenants as to the amount of compensation which should be payable to them, an owner in fee would have a similar power?

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, in his opinion there was nothing to prevent the landlord, who was an owner in fee, and tenant agreeing as to the amount of compensation, and that this agreement would be final and binding on both parties, as at present advised; but if there was likely to be any difficulty the matter should be considered. He thought there could be no doubt that a contract as to the amount of compensation could be entered into at any time. He thought his right hon. and learned Friend (Dr. Ball) was acting wisely in withdrawing his Amendment, which could be properly considered when the Committee came to the 14th section; but, in his opinion, it would be well to leave the matter to be met by the rules of law and the common sense of the Judges.

Mr. G. B. GREGORY agreed that this matter should be considered in discussing the 14th clause, and hoped his right hon. and learned Friend would then press his Amendment.

Amendment, by leave, *withdrawn.*

Mr. CHICHESTER FORTESCUE moved, in line 30, to leave out from "The Court in awarding, &c." to end of clause, both inclusive.

Motion *agreed to.*

Mr. DUDLEY FORTESCUE moved to insert in page 4, line 36—

"Provided always, That whensoever any landlord shall require a portion of land for a site for a school, church, chapel, or place of religious worship, or for a court house, police barrack, or building to be used for any such public purpose, if the site so required should not be more than half-an-acre in extent, or not more in any case than one-fifteenth part of the holding of any one tenant, it shall be lawful for the landlord, after due notice, to resume possession of the land to be devoted to any one of the purposes aforesaid without the payment of any sum for the disturbance of the tenant in occupation, beyond a proportionate abatement of rent, and such resumption of land shall not be deemed a disturbance of the tenant in his holding within the meaning of this Act.

> "Provided also, That it shall be lawful for a landlord in like manner to resume possession of so much land, in no case to exceed one twenty-fifth part of any one holding, as may be required for the purpose of erecting thereon one or more labourers' cottages, with or without gardens attached, and subject to the provisions of 'The Cottier Tenant (Ireland) Act, 1856,' and such resumption of land shall not be deemed a disturbance of the tenant within the meaning of this Act."

He regretted the rejection of the Amendment of the hon. Member for Carlow (Mr. Kavanagh), than whom no one was better entitled to be heard on this subject. He thought it desirable to give every facility to landlords for erecting suitable dwellings for the humblest and most dependent class of labourers on their estates. It was not likely that tenants, who were themselves ill-lodged, would make proper provision for their labourers. The clauses intended to be inserted by the hon. Member for Galway (Mr. W. H. Gregory) only applied to cases where tenants took the initiative, and did not apply to cases where landlords took the initiative. He thought it very desirable, when the principle of the Bill was not infringed, that the discretion of landlords with respect to their estates should be left as free and unfettered as possible. He earnestly pressed on the Government the favourable consideration of this Amendment.

Mr. CHICHESTER FORTESCUE said, he thought there was considerable complication in the proposals of his hon. Friend, and it would be better to bring them up in a separate shape. He greatly doubted whether the danger against which he desired to guard was one of any importance. What his hon. Friend feared was that in case a landlord took from a yearly tenant a very small portion of his holding for any of the very useful purposes enumerated, the operation of Clause 3 would be so tremendous as either to deter the landlord from attempting to make the improvements, or to enable and induce the tenant to impose some grievous penalty on the landlord. He thought the danger was imaginary, and the evil results apprehended would not follow. If the tenant were fool enough to hold out against a reasonable proposal, what would they think of the Court that would give damages in such a case? He did not believe that any damages would be given at all; but if any damages were given, they would be of the most insignificant kind. He hoped his hon. Friend would separate his propositions, if he thought it necessary to press them.

Lord JOHN MANNERS observed, that landlords and tenants in Ireland would have numerous opportunities of getting into Court under the most favourable circumstances, and that it was undesirable to permit anything to pass likely to give rise to such appeals. The proposition was directly in the interest of labourers, and this class the House was especially desirous to legislate for in a beneficent spirit. He therefore felt the Amendment of the hon. Member was necessary, especially as it was well known the Irish peasant would prefer to rent his cottage from the landlord rather than from the tenant.

Viscount ST. LAWRENCE believed that giving power to landlords to erect cottages would be very beneficial to the labourers, and after the interests of the tenants had been satisfied, the principle should be to allow landlords the opportunity of managing their estates in the interests of the labourers around them.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he hoped the Amendment would not be pressed, for it was hardly suitable in its present shape. He suggested that the 8th clause was the proper place for it; but he wished to ask hon. Members with what chance a tenant would go into Court, if his only grievance was a refusal to grant a reasonable request for a piece of land on which to build a church or a labourer's cottage? In his opinion the matter might be fairly left to the discretion of the Court to determine, and the Amendment would encumber the clause with provisions which were foreign to its purpose.

Dr. BALL said, he thought that there should be some declaration in the Bill, that if a landlord wanted a small portion of land for these purposes it should not be deemed a disturbance of the tenancy. It would be very objectionable if the House were to legislate upon the principle that landlords and tenants could never know how they stood without going to the Court. There were 32 Courts in Ireland, and it was absurd to suppose the decisions would be unanimous. He himself knew a case where a considerable sum had to be paid for the site of a church, because the tenant was not in favour of its being built. He suggested that it should be clearly stated in the Bill that taking portions of holdings for the *bonâ fide* purpose of building churches or cottages should not be deemed disturbance of possession.

THE ATTORNEY GENERAL said, he hoped the hon. Gentleman would postpone his Amendment until the 8th clause, and in the meantime reconsider it, as in its present form it would override all leases.

SIR FREDERICK W. HEYGATE observed that it would be hardly just to take away a portion of a man's holding without giving him any compensation. It would be better to leave the clause as it stood.

MR. SYNAN said, he hoped the hon Gentleman would not persevere with his proposition, as it would in effect destroy the lease between a landlord and tenant.

LORD CLAUD HAMILTON said, he hoped the hon. Member would move some provision of the kind at a later stage of the Bill.

MR. DUDLEY FORTESCUE said, he had no desire to delay the progress of the Bill, and he would not press the Amendment, but would bring it up at a later stage.

Amendment, by leave, *withdrawn.*

On Question, "That the Clause, as amended, stand part of the Bill,"

LORD ELCHO said, that he had no intention of detaining the Committee for any length of time, but it was mainly to this clause that he took exception on the second reading of the Bill. He had sat in the House on an average from 5 o'clock till 1 since the Bill had been under discussion, listening to the arguments brought forward by Her Majesty's Government in support of the very novel principles contained in this clause, and, as far as he himself was concerned, he was bound to say that he had heard nothing in the shape of argument, either from the Government or from Members on the Ministerial side of the House, that had not confirmed him in the view he took at the commencement of the Session. There had been only one sound argument used by the Government—that of numbers; but that was one which he was bound to acknowledge was effective and irresistible. He would refrain from going into the arguments employed by the Government, though he was strongly tempted to do so, but he had no desire to interfere with the progress of the Bill. All that he desired to do was to resist certain principles contained in the Bill and in this particular clause. He wished he could adopt the view of the hon. Baronet the Member for Londonderry (Sir Frederick Heygate), who approved the principle of compensation in this Bill, which he said was one of the most statesmanlike measures ever introduced into the House of Commons. What he (Lord Elcho) felt was that those Gentlemen who came from Ulster, where they held property which this clause did not touch at all, and where they already had a fixed rate of compensation between them and their tenants, should undertake the settlement of a matter which affected not their own, but other properties in Ireland. This new principle of compensation amounted simply to the confiscation of property without any compensation whatever, and he thought that it was the first time in the history of our legislation that private property had been confiscated without awarding compensation. He was not going at that moment to engage in any discussion on this question. He should reserve that until he came to a later stage, when it was his intention to propose an Amendment which he believed would bring this principle more in harmony with legislation as it at present existed on the statute book. If that were adopted it would, he believed, be an enormous stride in the direction in which they were going, and he hoped that the House would consider it seriously, with a view to the adoption of a principle which, if not absolutely just, would, at all events, not be unjust. Although his voice would probably stand alone, he should distinctly say "No" to the adoption of this clause.

SIR FREDERICK W. HEYGATE said, he only rose for the purpose of distinctly contradicting what had fallen from the noble Lord. He had never stated that he approved the principle of the Bill; for he had stated distinctly on the second reading that he did not think the principle good. He stated, however, that that principle had been distinctly affirmed over and over again by large majorities in that House, and that it was useless and a mere waste of time to contend against those decisions.

His object from that time forth was to make the best of the position in which he found himself, while he was not insensible to the fact that much might be said on the other side of the question. When the noble Lord, however, said that Ulster Members had no right to give their opinions because their properties would not be affected—

Lord ELCHO stated that what he had said was, that on this point the opinion of Ulster Members was not entitled to so much weight as it would be if their properties were likely to be affected by the proposals in the Bill.

Sir FREDERICK W. HEYGATE said, the noble Lord had apparently forgotten that if they did not fall under Clause 1 they would under Clause 3; and if it were said by the proprietors in the South of Ireland that those in the North had no right to interfere, the latter were entitled to reply that it was owing to the unsettled relations between landlord and tenant in the South and West that this Bill was ever brought in.

Mr. MAGUIRE observed that the noble Lord who rebuked landlords from the North of Ireland for taking part in matters which more particularly affected the South was a representative of neither portion of that country, but came from that romantic district called Scotland.

Lord ELCHO replied that, as a Member of an Imperial Parliament, he was entitled to take part in the discussion of an Imperial question, while the question of game showed that Irish Members did not scruple to meddle with Scotland.

Mr. M. CHAMBERS, as an Englishman, protested against the doctrine that those who lived in a happy community had no right to interfere for the purpose of benefiting their neighbours who were less fortunately situated.

Colonel BARTTELOT said, he had only one word to say in confirmation of the principles contained in the 3rd clause. It was this clause which prevented him from voting for the second reading of the Bill. The principles to which he objected had been affirmed by large majorities; and, therefore, while believing that these principles were not sound, and that hereafter they would be acknowledged to be unsound, unless they effected the pacification of Ireland, which he doubted, he would content himself in saying, with his noble Friend "No" to the clause.

Mr. W. FOWLER merely rose to say that, as Her Majesty's Government had adopted the principle of the Amendment which he had proposed the other day, he had framed that Amendment as one of their loyal supporters.

Mr. BRUEN objected to the clause in the interest of the tenant. He had shown the other day that the landlord who had his estate divided among small tenants was in a far worse position than if the land were held by large farmers, and, therefore, it would be his interest to get rid of the small occupiers. The Government had, therefore, placed, the small tenants at a great disadvantage. The principles of the clause were altogether opposed to political economy, by which the action of that House ought to be guided.

Clause, as amended, *agreed to.*

Clause 4 (Compensation in case of improvements).

Mr. DISRAELI moved to leave out in sub-section (*a*) the words "before the passing of this Act," in page 5, line 6, in order to insert the words "before the making of the claim." The Committee would observe that the object of sub-section (*a*) was to secure to those who had made miscellaneous improvements, other than permanent buildings, for the reclamation of land 20 years' enjoyment of them, or an equivalent of their value as compensation. In the event of the claim not being made until 10 or even 20 years after the passing of the Act, as the clause stood the tenant would be entitled to 30 or even 40 years' enjoyment of such improvements. If the Amendment he proposed were adopted the original intention of the clause would be carried into effect.

Mr. CHICHESTER FORTESCUE said the right hon. Gentleman opposite had misapprehended the intention of that sub-section, which was meant to apply solely to the retrospective question, and to nothing else. It was simply intended to give a claim retrospectively for improvements, and to limit that claim to improvements made within 20 years before the passing of the Bill. Even if they wished to lay down the limit of 20 years for all improvements past and future, that would not be the proper place to do it; and, moreover, it would be contrary to the principles of their Bill, which did not contain any provision for establishing compensation periods, or any arbitrary mode of cutting short the claim for improvements.

Mr. SYNAN reminded the right hon. Gentleman opposite that in the Bill brought in by a Conservative Government, in 1858, there was an analogous provision to the present, giving retrospective compensation.

Dr. BALL said, he understood the 4th section to be a general section, giving all tenants, in respect to improvements made both before and after the passing of the Act, the right to demand compensation from their landlords; and he conceived that the exceptions marked A, B, C, D, and E were intended to take out of the operation of the section certain classes of improvements. Well, he understood the meaning of the words—

> "In respect of any improvement made 20 years before the passing of this Act, except permanent buildings and reclamation of land,"

was to put a limit of 20 years upon minor improvements, and that after they were 20 years old they should cease to give any claim. Whether, however, that was the intention or not, it would be a wise thing to do; and all the arguments founded on justice and reason went to show that 20 years was a large and liberal period to allow for such claims. All the evidence tended to confirm that view. Even the hon. Member for Cork (Mr. Maguire), in his evidence before Lord Clanricarde's Committee, fixed on 31 years as a period that would compensate the tenant for almost any improvement except a house. He submitted, therefore, that there should be adopted the limit of 20 years before making the claim, in respect to improvements other than permanent buildings and the reclamation of land. If the claim was to be for ever, he said that was a very alarming matter in the Bill. Was there to be no period at which the right to demand compensation for those improvements should terminate? Was it to be as fresh as ever at the end of 100 years, although the tenant had had the whole benefit of the improvement during the entire term?

Mr. GLADSTONE said, he thought it evident that the Amendment had been framed under a total misconception of the purport of the clause, and he did not think the Government were responsible for that misconception. The view of the right hon. Gentleman (Mr. Disraeli) was, that the tenant, if he made a bad improvement, must bear the loss. They were all agreed on that; but the right hon. and learned Gentleman who spoke last said the tenant was to be compensated for his improvements, as a general rule, by the usufruct for a certain time. [Dr. Ball: Hear, hear!] But that was not the principle of the Bill. The language of the Bill was perfectly clear. As to prospective improvements, the principle the Government had adopted was, thatt hey were to be the property of the tenant without any other limitations than those expressly contained in the Act, and that on the tenant quitting his holding, those improvements were to be sold to the landlord. With regard to retrospective improvements, they proposed a different principle, fixing a limit of 20 years, and also providing that the Court should take into consideration the period of time during which the tenant had enjoyed the benefit of them—because he was not entitled to more than would replace his capital, with a proper reward for himself.

Mr. CORRANCE said, he thought those on his side of the House also had reason to regret that a misapprehension should exist on that subject, because they had a right to expect that if that limitation was deemed good for the past it might also be deemed good for the future.

Sir ROUNDELL PALMER said, that in the 66th clause the term "improvements" was defined to mean, in relation to any holding—

> "Any work which, being executed, adds to the letting value of the holding on which it is executed, and is suitable to such holding."

He would suggest that the wording of that definition might be improved. They were not to understand that, at the time of being executed, the improvements added to the letting value of the holding, but that at the time of the tenancy becoming vacant they added to its letting value. He confessed it seemed to him that the objects of justice were substantially provided for by the clause.

Lord ELCHO said, he was unable to agree with the hon. and learned Gentleman who had just spoken. If a tenant were in possession for 20 or 30 years, it might be presumed that he had the usufruct of his improvements. This was the presumption in England and

Scotland. He should like to hear from the Prime Minister why, in respect of this matter, there was to be an exceptional rule in Ireland.

MR. GLADSTONE said, he would answer the noble Lord by saying that he considered the law as to improvements in England and Scotland to be, in the abstract, wrong. He considered that the general rule ought to be that which was established in the Bill—namely, that improvements created by the tenant should be the property of the tenant, and that he should receive the value of them when he quitted the holding; and that the modifications of that rule, such as are common in England and Scotland, should be introduced by special contract, where they were introduced at all. In the present peculiar state of Ireland it was, however, necessary to limit the application of special contracts.

MR. CORRANCE said, he did not think that the ultimate effect of the clause would be injurious to either the landlord or the tenant, but it would increase rents.

DR. BALL said, it appeared, from the explanation given from the Treasury Bench of the object of the sub-section, that this was not the proper place for the Amendment. The principle of the Amendment ought, however, to be considered at the proper time; because, as the Bill stood, the tenant might claim compensation for improvements made ages before he had become tenant, if they had been by any person from whom, either directly or by accident, he could claim a title to those improvements. He considered that the conclusion to which the Government had arrived was in direct opposition to the evidence taken before Lord Clanricarde's Committee.

Amendment, by leave, *withdrawn.*

MR. KAVANAGH moved, in page 5, line 6, to leave out from "except" to "reclamation of land" in line 7, both inclusive. His reason for moving the omission of these words was that he considered that, when taken in connection with Clause 5, their unlimited retrospective bearing was a very glaring injustice, and likely to be most dangerous in its results, as being directly calculated to give rise to endless and irritating litigation. He was bound to say, however, that the Amendment to Clause 5 placed upon the Paper by the Chief Secretary for Ireland, limiting the presumption for improvements to 20 years, removed in a certain degree his objection to a part of them, as in the absence of a tenant being able to produce proof that 20 years before he or his predecessors in title had made the improvements referred to, they must merge in the land, and consequently become the property of the landlord. If, on the other hand, the tenant could prove that those improvements were made either by him or his predecessors in title, it was only right that he should obtain, upon quitting his holding, fair compensation for them, due regard being had to the length of time which he had enjoyed them. These considerations, however, only applied to permanent buildings; and, with the permission of the Committee, he would alter his Amendment by moving only to omit the words "and reclamation of land." These words opened a far larger and more intricate question—the fair solution of which was, in his opinion, far from easy. Before the Easter Recess this subject was for a short time under discussion; and then, as hon. Members would remember, some very grave considerations which it involved were raised but not decided. It required to be clearly defined what was the nature of the reclamation which, made 20 years ago, was to be regarded now as conferring a right to claim compensation for it. Draining, he knew, to his own cost should not, for he was now paying £200 a year under what was termed "Labouchere's Letter," for a sum that was expended in draining on his property, the whole of which he had had to do over again at his own expense. Reclaiming mountain or waste land, unless the improvement had been sustained, should be another exception. He had known land, which was made arable at considerable expense, after less than 10 years, from careless husbandry, relapse into the wilderness it was before. On the other hand, clearing land of stones was a fair case for compensation, for that was unquestionably a permanent improvement. The erection of boundary fences in a substantial, permanent manner appeared to him to be another, whereas the well-known love that Irish tenants had for subdividing their farms and covering them with a network of fences could only be regarded in the very opposite light from improvement. The question was a very large and a very intricate one, and one with which his knowledge of agricultural matters was not enough to make him competent to deal. He hoped, therefore, by moving the omission of these words the question would be raised, and that they would not be retained without some proper, clear, and definite qualification.

Amendment proposed, in page 5, line 7, to leave out the words "and reclamation of land."—(*Mr. Kavanagh.*)

Mr. CHICHESTER FORTESCUE said, that if under this Bill a claim was made for the cost of making drainage which was good for nothing when made it would be treated in a very summary manner; because, as it would not be an improvement within the meaning of the Bill, it would at once be dismissed from consideration by the Court. The Government were not able to agree to the Amendment, as they thought that to limit to 20 years claims for improvements of such a permanent nature as the reclamation of land would not be in accordance with the principles of the Bill. In many cases a long period must elapse before the cost of reclaiming land could be recouped, and tenants in such cases would never have undertaken the work had they dreamed of being limited to 20 years. To leave such a matter to the discretion of the Court—as was provided by the latter part of the clause—was, the Government thought, a fair way to meet the justice of such cases; while he was inclined to think that Courts would not experience any difficulty in interpreting the words "reclamation of land," that phrase being one which was well understood in Ireland. If, however, it should be thought safer to define the term, the Government would take the matter into consideration.

Colonel BARTTELOT said, the right hon. Gentleman had not given an answer to the Amendment, which related to a serious matter, owing to the great quantity of land in Ireland that might and could be reclaimed, such land at present not being enclosed, drained, or applied to the purposes of agriculture. He knew cases in which land in Ireland had been let on leases for 20 years, at rentals varying from 1*s.* 6*d.* to 5*s.* per Irish acre, for the distinct purpose of being reclaimed by the tenants to whose interest and convenience it was that such reclamation should take place. Such tenants had been satisfied to accept leases for 20 years, and it would be monstrous to prevent landlords from getting the proper value of their land on the expiration of that term. In Scotland tenants were willing, on being granted leases for 19 years, to reclaim land and to give it up to the owner in a good state of cultivation, or to continue in the occupation of it at a considerably increased rent; and surely the Government would not contend that an Irishman could not do likewise when a lease for 31 years was granted to him. He therefore hoped that the words "reclamation of land" would be struck out of the section.

Mr. CHICHESTER FORTESCUE said, he always felt depressed when the word Scotland was mentioned in the discussion on this Bill, for its mention did not tend to the solution of the difficulties which were raised. It was not for him to define a particular word, and he had, therefore, simply expressed his belief that the Courts would find very little difficulty in applying the language of the Bill to any particular case that might come before them. He would point out that improvements made under leases were expressly provided for in the Bill, as they would be made under a contract for valuable consideration. All that the hon. Member had in view in proposing the Amendment would be met by what was within the Bill.

Mr. SYNAN said, that, in his opinion, all permanent improvements ought to be excepted, just as much as reclamation of land.

Mr. BRUEN, in reference to the necessity for a definition of the reclamation of land, said, he had effected a real reclamation by draining and subsoiling a formerly worthless peat, which the tenant carefully fenced round to keep his cattle off it, lest they should eat anything that was poisonous. The cost of draining was £3 2*s.* 6*d.* an acre, and of subsoiling £5 an acre; so that the total cost of reclamation was £8 2*s.* 6*d.* an acre; and a year or two afterwards the land produced a crop of barley which he sold for £19 an acre. He admitted that in some places where there were rocks and stones, a larger expense would have to be incurred; but in an ordinary case of reclaiming the surface of land from a state of nature, the expense incurred might be easily recouped in a few years; and 20 years was the outside term which ought to be allowed to a tenant to recoup himself. He believed that the words "reclamation of land" were quite unnecessary here to meet the ends of justice.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) reminded the Committee that on a former evening he referred to the 27 & 28 *Vict.* c. 114, s. 9, the Improvement of Lands Act, 1864, which applied to England and Ireland, and the 9th clause of which contained a subdivision which spoke of the reclamation of land and all operations necessary thereto. Many hon. Members said that the reclamation of land under that statute was perfectly well understood, and, that being so, there was no difficulty in interpreting the phrase under this Bill. Having consulted the best authorities, the Government came to the conclusion that the reclamation, as so understood, could not generally be paid for in 20 years, although there might be instances in which it would, and if there were the Court would deal with them. If a tenant said it was 30 years since he reclaimed land, the Court would say he had been abundantly repaid. The only thing the clause provided for was that a tenant should not be debarred from making a claim.

MR. M'LAGAN said, it was important the Committee should understand the position they were in, and that there was a difference between yearly tenancies and leases. If a man had a lease for 19 or for 31 years, he might recoup himself; and in Aberdeenshire, with a lease for 19 years, at a nominal rent of 1*s.* or 2*s.* 6*d.* an acre, a man gave up all improvements except buildings, as it was supposed he had repaid himself. A man's doing so of course depended upon there having been no increase of rent during the 19 years; but in Ireland he found that, with yearly tenancies, improvement was followed immediately by an advance of rent. In such cases a tenant ought to be paid, even though he had had the land for 30 years. In Ireland he found much land quite uncultivated, and the tenant in each case said—"I might improve it; but if I did, the rent would be raised at once." For these reasons he should treat leases separately from tenancies-at-will. As the Chief Secretary for Ireland said the Bill provided for farms under leases, the Amendment was unnecessary, and they ought now to discuss the question only as it affected tenancies-at-will; and, unless it could be shown that it was not the custom to raise rents immediately after improvements, compensation must be allowed for permanent improvements.

LORD ELCHO said, he was glad to hear from so staunch a supporter of the Government as the hon. Member for Linlithgow (Mr. M'Lagan) that leases ought to be excluded from the operation of the clause. It was not surprising that the Chief Secretary shuddered when he heard the names of England and Scotland, because principles of legislation were being introduced which would recoil upon this country, and which might operate immediately in Scotland; and he should be surprised if the result of this discussion was not to show some English and Scotch Members the wild character of the legislation proposed. He had put a question to the Prime Minister, and had obtained a direct answer from him. In England and in Scotland the law was, that where tenants made improvements and were in possession long enough to have enjoyed the usufruct, the landlords received back the lands so improved without compensation to the tenant. He asked the Prime Minister whether there was any difference in the case of Ireland, and whether there was any sufficient reason for exceptional legislation? The right hon. Gentleman could not say there was, nor could anybody on the Treasury Bench say there was. But the right hon. Gentleman added that, in his opinion, the system in England and Scotland was wrong; and, if he thought so, it was his duty to press for a change in the law there. He (Lord Elcho) maintained, on the contrary, that, both in justice and in policy, the principle was a sound one. He held in his hand a Scotch lease granted in 1732 by Simon Fraser, Lord Lovat, who lost his head in 1745, and who reclaimed portions of his land by a system of cottier tenants. This was a lease granted to certain persons who were—

> "To take as much land as they were able to take in and improve during the currency of their present tack,"

for the term of seven years—

> "And seeing that the said place is nothing but a barren moor or hill, without the least improve-

> ment, therefore the said Lord Lovat obliges himself and his heirs to ask or demand no manner of duty or rent during the said seven years, and at the expiration thereof the said Lord Lovat obliges himself and his heirs to prefer the lessees as tenants of the land so improved by them, provided that they offer as much yearly rent as any other person for any term of years thereafter, finding security therefor."

That was the system which held good in Scotland 100 years ago. The hon. Member (Mr. M'Lagan) had been a tenant-farmer, was a proprietor of land in Scotland, had visited Ireland, and published an account of his visit, to which the Prime Minister said he was greatly indebted. The hon. Member was well acquainted with agriculture, and there could be no higher authority on this subject. Yet he, a supporter of the Government, said that in the matter of reclamation of land a lease of 20 years should cover everything, and that Scotch tenants cheerfully took land on this condition, not expecting at the end of the term to receive anything by way of compensation for reclaiming the land. He wished more Scotch Members would speak on this question, and among others he should like to hear the views of the hon. Member for Berwickshire (Mr. Robertson), than whom no man better fulfilled the traditional duty of a Lord of the Treasury—that of making a House, keeping a House, and cheering a Minister. When he used to meet the hon. Gentleman 20 years ago in the hunting-field, had they not ridden over hundreds of acres of moorland, some of which was now growing beautiful crops of turnips, oats, and, in many cases, of wheat? Had that land been reclaimed on the principle viewed with such favour by the Government—namely, that the tenant should be paid for the reclamation? No; it had been reclaimed on 19 years' leases, which had converted Scotland from a wilderness into a comparative garden. In Scotland it had always been the custom of the landlord to put up buildings, and where, as in Ireland, these were erected by the tenant, he should treat as to them on a different footing. Mr. Trench said that 21 years ought to cover all improvements except buildings, and a 30 years' lease ought to cover these. His hon. Friend (Mr. M'Lagan) had drawn a just distinction between reclamation with and reclamation without a lease. It was clear that where the rent had not been increased during a 19 years' occupation the position of the reclaiming occupier was the same as though he had had a lease. There could be no difficulty in introducing into the Bill words, as a guide to the Court, which would provide that where the rent had been gradually raised during the occupation the tenant should receive compensation; but that where the rent had not been raised, and the tenant had enjoyed the usufruct for 19 years, he should receive no compensation.

Colonel FRENCH said, he thought that a lease for 21 years ought to cover all improvements except a house. The whole question at issue turned upon whether the rent had been raised or not, and a provision might easily be introduced by the Government in accordance with that distinction instead of passing the clause as it stood.

Mr. C. S. READ said, he quite understood the main principle of the Bill was, that the Judges who tried these cases between the landlords and tenants should decide each case separately, and upon its own merits; but he thought there ought to be some limit to the power of these Judges, and that they would be very grateful if some rules were laid down for their guidance. Parliament ought not, in his opinion, to be content with briefly shadowing forth what is meant; but ought absolutely to define the object of a clause when it was possible to do so. The reclamation of land should, he maintained, be excluded from the operation of the Bill when the tenant had enjoyed his holding for 20 years after without any increase of rent. The right hon. Gentleman the Chief Secretary for Ireland said he always shuddered when he heard Scotland mentioned in those discussions, and, perhaps, he would view all reference to England with equal dislike. He must, nevertheless, ask how it came to pass that the sheep-walks and rabbit-warrens of Norfolk and the fens of Cambridgeshire were reclaimed under a 21 years' lease; or how the wolds of Lincolnshire were reclaimed without any lease whatsoever, but simply under a yearly agreement, protected by a liberal tenant-right. If, he might add, he was rightly informed, many Scotch farmers preferred taking mountain land to reclaim, and to be given up at the end of 19 years, to hiring the land which had been reclaimed during that period at an advanced rent. He was glad that the hon. Member for Carlow (Mr. Kavanagh) had excluded permanent buildings from his Amendment. They stood upon quite a different footing, and it was quite right that, even at the end of 31 years, if the tenant had built a good house, he should receive some compensation for it. In leases made 20 years ago, it might not have been specified precisely that at the end of the term reclamation of land should not be paid for; but 20 years ago nobody dreamed that a Bill like the present would ever be introduced into Parliament. He entirely concurred with what had fallen from his hon. Friend the Member for Linlithgow (Mr. M'Lagan). If it were the custom in Ireland—and he much doubted it—that the moment a man had reclaimed the land his rent was raised, he certainly was not allowed to enjoy his improvements, and he ought, in that case, to be entitled to compensation. If, however, a lease was made 20 years ago, and contained no special provision for such payment, the landlord ought, at the expiration of the time, to receive his own again, and be allowed to enter into a fresh agreement with the tenant. And, after the passing of this Act, if a man could not recoup himself in the course of 31 years, he had no business to expend his money on the reclamation of the land.

MR. ROBERTSON, in reference to an allusion of the noble Lord opposite (Lord Elcho), as to their hunting together many years ago, said, he was by no means sure they did not spend their time as usefully, and assuredly more agreeably, then than they did now. He had no intention of following the bad example set by some hon. Members from Scotland, who, in speaking upon an Irish question, wasted the time of the Committee in long irrelevant speeches drawing comparisons between England, Scotland, and Ireland instead of looking at the actual state of things in Ireland itself. The present was an exceptional case and exceptional legislation; but he must say it was stepping out of the record in every sense of the word, when they dragged the position of England and Scotland into that discussion. The noble Lord had challenged him to speak on the subject, and no man should ever give him a challenge, either in the House or out of it, that he would not accept. All he would do, however, in accepting that challenge, would be to request the noble Lord and Members from Scotland no longer to waste the time of the Committee in prolonging those endless and useless discussions. They had been at least two months engaged in discussing the Bill; and it was, therefore, surely time that they should cease to talk about Scotland, and should allow legislation to go on, and if possible pass the Bill. He entreated them for once to abandon their Scotch ideas, and try to legislate for Ireland in view of the actual state and wants of that country, and to make Ireland no longer in name, but part and parcel of a great United Kingdom.

MR. ORR EWING said, he could not assent to the doctrine laid down by the hon. Member for Berwickshire (Mr. Robertson), that Scotchmen and Englishmen were not entitled to take part in these discussions, for the general feeling of the House was that the laws of England, Scotland, and Ireland should be assimilated as far as possible, and that there should be no more exceptional legislation than was absolutely necessary. Hon. Members must not forget that, although the present measure had reference only to Ireland, it might hereafter be made a precedent for legislation for Scotland and England. If the law which it was now proposed to extend to Ireland had prevailed in Scotland, he doubted whether many thousands of acres of land which now yielded fine crops would have been yet reclaimed from a state of barrenness. The reclamation of land in Scotland had been accomplished by the frugality and industry of the people, though he admitted it had been encouraged by the liberal way in which the landlords had acted towards their tenants. In fact, the agreement was for the mutual advantage of both parties, a lease being granted to the tenant at a nominal rent for 19 years, in order that he might effect improvements, from which the landlord derived no benefit until after the expiration of the term. It would be well if, instead of introducing a bad system into Ireland, they were to adopt a system which had worked so successfully in Scotland. If the Committee did not accept the Amendment of the hon. Member for Carlow (Mr. Kavanagh), he hoped they would support the Amendment to a similar effect which would be subsequently proposed by another hon. Member.

Mr. SHERLOCK, after remarking that he saw no objection to Members for England or Scotland taking part in the discussion, said, the proposal of the hon. Member for Carlow was that under no circumstances, whatever rent he might pay, was a tenant to be entitled to any compensation after 20 years for the reclamation of land; whereas the original clause, while not enacting that compensation must be given in every instance, allowed the Court to grant compensation for reclamation of land, if the tenant made out his case. The hon. Member for South Norfolk (Mr. Read) had referred to large reclamations of land having been made in Lincolnshire by tenants from year to year; but surely he would never venture to propose the extension of such a system to Ireland. In the cases alluded to there must have been an honourable understanding that the tenant, though legally liable to eviction on six months' notice to quit, should be allowed to remain in possession until he had reaped the reward of his industry.

Mr. GLADSTONE said, he was disappointed at the prolongation of this discussion. As far as he understood the matter, there was really no conflicting principle between the Government and hon. Gentlemen opposite on this point. The principle for which the supporters of the Amendment were contending was, that the tenant should be repaid for his outlay in improvements by the usufruct of those improvements for a certain time. As to retrospective improvements, it was not proposed by this clause to give the tenant the full value of those improvements, whatever they might be. The words beginning at line 25 clearly provided that, in reduction of the tenant's claim, the Court was to take into consideration the time during which he had enjoyed the advantage of those improvements, the rent which he had paid, and any benefits derived by him expressly or impliedly from the landlord, in consideration of such improvements. Reclamation of land would also be included within the scope of these words. The Court would take all the circumstances into consideration, and only award such compensation to the tenant as was reasonable. As there was no real difference of opinion on the subject of this provision, he hoped hon. Members would not feel it necessary to discuss it at length.

Dr. BALL said, he thought there ought to be a period at which an improvement consisting of the reclamation of land might be deemed to have exhausted itself. It was admitted that a large class of improvements ought not to be paid for, if they were more than 20 years old. Why not treat reclamation in the same way? A great deal of agricultural experience had been brought to bear upon this subject, and it was certainly remarkable that the hon. Member for Berwickshire (Mr. Robertson), who understood matters of this kind as well as any Member of the House, while warmly supporting the Bill and the Government, never asserted that reclamation did not pay for itself within a certain period. This was obvious, for reclamation, immediately upon its accomplishment, increased the productiveness of the land. He did not pretend to be an agriculturist; but by those well acquainted with the subject he had been assured that five or six years' good crops repaid the whole cost of reclamation. A gentleman who had carried out operations of this kind very extensively, assured him that in eight or nine years he was well repaid for his outlay. The hon. Member who had brought forward this Motion (Mr. Kavanagh) was practically acquainted with the subject; he had given a cordial and direct support to most of the provisions of the Bill, and with regard to a proposition admittedly reasonable in itself, he had some claim to be met otherwise than with determined resistance by the Government.

Mr. CHICHESTER FORTESCUE said, that if the right hon. and learned Gentleman and the Member for Carlow County consulted, as he had done, the highest authorities upon the reclamation of land, they would find that a limit of 20 years was totally inadequate. [Dr. Ball: Who are the authorities?] There were several who concurred in this view. Of these, one was Mr. Curling, who, speaking from the experience of Lord Devon's property, which he so admirably managed, declared that with respect to comparatively dry lands the period of 41 years was the least that could be laid down as remunerative, and with regard to wet lands a period of 61 years. ["Oh!"] He spoke with a full knowledge of what he was saying, and he must strongly oppose any attempt to fix an arbitrary limit such as was proposed.

Mr. CORRANCE asked whether the opinion which the right hon. Gentleman had quoted referred to the reclamations made by tenants, or to the larger reclamations made by the landlord?

Mr. CHICHESTER FORTESCUE replied that it had reference to improvements by tenants.

Mr. CORRANCE: And upon what sized occupations?

Mr. M'CARTHY DOWNING observed that if the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball), instead of reading the evidence of Mr. Trench, had read to the Committee the evidence of the agent of the Earl of Devon, it would have carried much greater weight. Mr. Trench, when asked for his opinion as to the periods which would reimburse a tenant for his outlay, said that in the case of a house, 25 years would be sufficient; of substantial stables and barns, 15 years; of a house and stables combined, 20 years; of good boundary fences, five years; and of farm roads, five years. It had been said, over and over again, that the tenantry of Ireland would not be satisfied with 31 years' leases; but in some parts of Ireland the Member for Tamworth (Sir Robert Peel) had found that land would not let for 5*s*. an acre, because the tenants did not know from day to day when they might be dispossessed of it. An hon. and gallant Member opposite (Col. Barttelot) had stated that 20 years' leases were common in Ireland, and that tenants could well recoup themselves within that time. He, on the contrary, had acted as a professional man for 35 years; he enjoyed the confidence of a large portion of the landlords of the County Cork, and, neither as a landlord nor as a professional man, had he ever seen or heard of such a lease within that county. On the contrary, he had frequently known cases where the rent was increased as the farm advanced in value. In his (Mr. M'Carthy Downing's) own district he knew a tenant whose rent had been raised no less than three times in the short space of 10 years in consequence of his improvement of the land, and when the tenant at last declined to pay the increased rent he was served with a notice to quit and an ejectment was brought against him. He could not object to Scotch and English Members taking part in the discussion; but he thought they ought not to take any adverse part in Divisions when the feeling of the Irish people, and of the great majority of the Irish representatives in that House, had been so often and so unmistakably expressed.

Mr. HENLEY remarked that the hon. Member for South Norfolk (Mr. C. S. Read) was correct in stating that the principle of this Bill was to leave everything to be settled by the Judge, and he had wisely urged that some assistance should be given to that learned functionary in settling these various matters. The Prime Minister himself had stated that, under this clause, the Court was to take all the circumstances of each individual case, such as the time of occupancy and the rent, into consideration. What a pretty question it would be for a Court to determine as to the amount of rent which had been paid for a particular holding 20, or perhaps 40 years before the matter came before it. How was evidence upon such a point to be obtained? Were the tenants of Irish estates such excellent bookkeepers that they would be able to bring anything like written testimony to show what their expenses had been in reclaiming the land, and what weight would parole testimony on such a subject have with the Court? The result of this clause would be to sow ill-will between the landlords and the tenants, and care should be taken that such a door for incessant litigation as it presented should not be opened. It should not be forgotten that the question of costs under this Bill would be an important one, because the fees to counsel and agents would be the same, whether £5 or £100 were involved, and, therefore, in common charity, some limit should be placed upon litigation under the measure. He implored the Committee to give the Court some guide which would enable it to put a stop to unnecessary litigation, which would only have the effect of putting money into the lawyers' pockets without doing anybody else any good.

Mr. H. A. HERBERT felt bound to say, in defence of Mr. Trench, that the building of a house or even a farmstead in England or Scotland was a very different thing to building what he called a very good house in Ireland.

Lord ELCHO observed, that when the Chief Secretary for Ireland had cited the authority of Mr. Curling in support of the assertion that 30, 40, or even 60 years' possession were necessary to enable the tenant to recover the cost of reclamation of land, he had not disputed the accuracy of that assertion. All that he had desired to do was to point out that in the opinion of the hon. Members who were regarded as authorities on such subjects, 20 years' occupation was amply sufficient to enable the tenant to recoup himself for the expense he had incurred in reclaiming the land. He thought it would be better if the Government would look at this question with the eyes of Englishmen and Scotchmen rather than with those of Irishmen. The hon. Member for Berwickshire (Mr. Robertson), in consequence of his blind admiration of his leader, had got into a sort of moral molluscous state, in which he was ready to shut his eyes and open his mouth, and take whatever the Prime Minister chose to put into it. He knew how the hon. Member, as a Scotchman, must hate this proposed interference with the freedom of contract. The hon. Member was making a desperate effort to swallow the Bill and get rid of it once and for all, and wanted it to be buried out of sight as quickly as possible. The hon. Member had accused hon. Members sitting on the Opposition side of the House of delaying the progress of the measure. Why, for every single Amendment and speech that had been made by English and Scotch Members, ten Amendments and ten speeches had been made by Irish Members! For his own part, he had only placed one Amendment on the Paper. The delay that had occurred in the progress of the measure must rest, not with those who were discussing its provisions, but with the Government, who had brought in a Bill which bristled with new principles of a most objectionable and offensive character. The Government had their battalions at their back, whereas the only weapon in the hands of the Opposition was discussion, and it was through discussion alone that a chance lay of making the country aware of the real character of the Bill. The hon. Member for Berwickshire had said that Scotchmen had no interest in the Bill because it was an exceptional measure; but the principles under which the Bill was passed, and which in the present instance it was proposed to apply to land in Ireland only, were exciting already considerable attention in Scotland. By abolishing freedom of contract they were overriding all accepted principles of political economy in this Bill. And what was their excuse for taking such a course? Because it was alleged that the demand for land was so great in Ireland that the tenant was entirely at the mercy of his landlord, and must accept any terms that were offered to him if freedom of contract were left unrestricted. To-day he had received a Petition from the Agricultural Club of East Lothian — men holding large farms for which they sometimes paid £5 an acre. That Petition was one against the Lord Advocate's Game Law Bill, which proposed to make game the property of the tenant, and the petitioners objected to it on the ground that the competition for land was such that the occupiers were not in a position to retain the right to the game which the Bill proposed to give them. The hon. Member for Berwickshire, when this question of the freedom of contract was before the House in the matter of the Game Laws, got into a frightful state of excitement about it, and said it was monstrous to interfere in that way; but when they came to this Bill, the hon. Gentleman relapsed into his condition of moral molluscousness, and was prepared to accept anything that the Government chose to give him, at the same time forbidding everybody else to talk about the matter.

Mr. GLADSTONE said, the noble Lord opposite (Lord Elcho) was, of course, the best judge of the prudence of his own proceedings, and he (Mr. Gladstone) was the more anxious to impress the statement upon the noble Lord's mind, because he also had a very strong opinion upon the subject which it was equally lawful for him to entertain. When the noble Lord had quoted a passage from the Petition of the Farmers' Club at East Lothian, he thought he was going to give triumphant force to his argument, by showing that these farmers had founded their Petition upon the provisions of the Bill, in order to show that game ought to be excluded from freedom of contract. The noble Lord, however, had done nothing of the kind, and he had utterly failed in establishing any connection between the Petition to which he referred and the present measure. Moreover, he believed that the claim for exempting game in Scotland from freedom of contract was anterior to the introduction of the present Bill, and consequently the Bill was not responsible for the origin of that claim. He must, for once and all, enter his protest—on the ground of prudence—against the course taken by his noble Friend. Those who belonged to the Government, and hon. Members on the Ministerial side of the House generally, had, at every step of the discussion, and in relation to every provision of the Bill, endeavoured to explain strongly and clearly those undeniable circumstances in the history, the legislation, the tenure of land, and in the whole condition of Ireland, which, in their opinion, made the principles applicable to that country inapplicable to this country; but his noble Friend, and others with him, were constantly and steadily arguing that the Bill, when once applied to Ireland, must inevitably be extended to England and Scotland. The Government, however, did not wish to be responsible for such a consequence, and those who preached and promulgated that doctrine, who persistently closed their eyes to those broad distinctions in the condition of Ireland which made that country a separate case, and who insisted that the tenure of land in Scotland and England would eventually be identical with the tenure of land in Ireland, were the persons who should be responsible for it. An example of the effect of a course of proceeding like that had recently been presented in Wales. The people there were not unmindful of the statements made by many clergymen, Prelates, and a good number of Members in that House, to the effect that the principles of the Irish Church Bill would inevitably be applied to Wales, and the result was seen in the last elections. Hon. Gentlemen on his side of the House had not broached the doctrines put forward—that was the result of lessons coming from the other side. What they wished to stand upon was, that it was not so in the judgment of that side of the House. The Government had been enabled to establish the difference between the case of Ireland and that of England and Scotland, and he disclaimed whatever inconveniences might arise from the strained efforts which had been made to show an identity which did not exist. He was sorry that this question had been made a subject of so much contention; and, if all other points in the Bill were to be debated at as great a length in proportion to their importance as the present, he feared that the time required for their disposal would be immeasurable. According to the provisions of the Bill, whether they took the line of years for the reclamation of land or any other line, nothing could be given to the tenant except fair compensation for his outlay. That was the meaning of the clause with respect to retrospective improvements, and to strike out the reclamation of land would be a harsh course, and would unduly narrow the ground for giving compensation. He hoped that after that discussion the Committee would soon be enabled to arrive at a satisfactory conclusion on the question.

Lord CLAUD HAMILTON earnestly controverted the argument which had been put forward by his right hon. Friend the Chief Secretary for Ireland, that a term of 20 years would be totally inadequate to compensate persons for the reclamation of the land. His right hon. Friend had alluded to the evidence of Mr. Curling, given before the Committee which sat in 1860. Now, he (Lord C. Hamilton) admitted that Mr. Curling was a most respectable and upright man; but, having served on the Committee alluded to, he must say that Mr. Curling was also somewhat of an enthusiast, and had peculiar views of his own; and the reasons he gave for those long periods mentioned by him as affording time for a just compensation would not stand the test of examination. He could not, therefore, admit that they were to legislate for the whole of Ireland on the unsupported evidence of Mr. Curling. In Scotland enormous tracts had been converted from a state of nature into a highly cultivated condition, and no Scotchman would say that those lengthened periods of occupancy mentioned by Mr. Curling were necessary in order to insure compensation to the tenant. When it was stated that the whole system of agriculture in Ireland required improvement, was it not common sense, then, to advert to the magnificent result effected in Scotland under the system prevailing there; and how could it be said, under these circumstances, that Scotchmen had not a right to interfere in the discussion of this question? They ought to base their system on some intelligible principle. He thought it desirable that every intelligent man who understood the matter practically should define what he meant by the word reclamation. It was a process which had improved the land, and how could that be ascertained without reference to its original state? There must, therefore, be some limit to show the period to which they went back. He was sorry that the right hon. Gentleman, in the multitude of the words he used, had held out a sort of menace to Gentlemen on that side of the House, and said he would not take the responsibility of their proceedings. He, on the other hand, felt they were bound to express their opinion, and, looking to the pages of Amendments on the Paper in the names of hon. Gentlemen opposite, it could not be said that opposition came chiefly from hon. Gentlemen around him. They must not proceed on the idea that Ireland's agriculture could be improved by a departure from all the dictates of common sense and political economy. Instead of precluding Scotch Gentlemen from giving the results of their experience, they should be glad to receive their assistance in the solution of this great question. Ministers might carry what they pleased by their majorities; but if they did not act on the dictates of common sense, sound principle, and experience, they must fail in the object they had in view. He had heard nothing to justify the proposition of the right hon. Gentleman the Chief Secretary for Ireland.

Mr. ROBERTSON said, that having been personally attacked, he would beg to reply. The attack of the noble Lord (Lord Elcho) was utterly unjustifiable. He was perfectly ready to stake his political character against that of the noble Lord. They had both been many years in the House, and they had both entered it as Liberals. ["No!"] At any rate, he had always understood that the noble Lord the Member for Haddingtonshire on his first entrance into Parliament supported the Liberal party. He (Mr. Robertson) had always sat on the Ministerial side of the House; the only thing that he regretted was that the noble Lord now sat on the other side. There could now be no mistake as to his political character. The thing which most distressed him — and he said it advisedly—was that some hon. Members who sat on the Ministerial side of the House were doing everything in their power to undermine the Government. Anyone could repel a straightforward attack; but a stab in the back was difficult to guard against. He did think that he had a right to complain of the personalities which had been bandied across the House by his noble Friend, and he appealed to hon. Members whether they ever knew a more unjustifiable attack. The noble Lord compared him to a Lord of the Treasury, and coming there to make and keep a House. Nothing could be more unfounded. He came into the House in 1859, after a desperate contest, and he had always supported Liberal measures, no matter who was at the head of the Government, because he was a warm supporter of Liberalism, and never had had greater pleasure during his Parliamentary career than in giving his cordial and constant support to his right hon. Friend at the head of the Government—their present Liberal Chief —not only because he was so, but because he was so well entitled to such support at the hands of every good Liberal. The Government wished to pacify Ireland and to do justice to every part of the United Kingdom. He hoped the noble Lord and others around him would take warning from what the Prime Minister had said. This measure was an exceptional one from beginning to end, but it was framed to meet the peculiar position of Ireland; but as a Scotch Member, he would be sorry to see it introduced into Scotland, because they did not require it there, having managed their matters so as not to require any such measure. But he believed the measure was the only means of pacifying Ireland. The Prime Minister had told them, again and again, that there was not the remotest intention of applying the measure to England and Scotland. He had never given a vote on an Irish question which he thought inimical to Ireland, or which was intended for anything but the benefit of that country. If hon. Members would talk less the House would get on with this great measure of peace to Ireland; they would have a chance of passing and of sending it to the Lords this

Session, and the country would be gratified by seeing it receive the sign manual of Her Majesty.

Sir **LAWRENCE PALK** said, he did not wish to obtrude himself upon the House on this question; but the speech of his right hon. Friend the First Lord of the Treasury demanded some answer from those who represented the agricultural interests of the country. The right hon. Gentleman, with a vehemence for which he was noted, said he was not answerable for any application of the principles of the Irish Bill to England or Scotland. No one in that House more admired the great powers of the right hon. Gentleman than himself; but there were some things he could not command. He could no more command public opinion on this question than he could move the sun or the moon. If this Bill, which to his mind was confiscation and nothing else, was passed, they might depend upon it the tenants of England would discuss it, and consider the principles which the Premier had laid down. It was idle to say that in this country, which had but one Legislature, they should have one principle for England and another for Ireland. It was utterly impossible that the principles laid down for Ireland, where they were good, should not be applied to England. The principle for Ireland was to hand over the whole of the land to one vast sea of litigation. If the land of England were so treated the fee simple would be swallowed up in costs. Why was it the law which regulated land tenure in England and Scotland would not work well in Ireland? He believed he knew the reason. The Irish vote was always in request; it was for the Irish vote that the Church property was confiscated, and the Land Bill was owing to the same cause.

Mr. **OSBORNE**: It seems to me that the Gentlemen who have come in here since 8 o'clock are under some misapprehension as to what we are debating, and I wish to reclaim the subject of the debate. I have no doubt a great many hon. Gentlemen are unaware that we have had that remarkable thing in this House, a Scotch row on an Irish debate. We have had, in fact, "Irish Measures and Scotch Reviewers." A noble Lord on the other side of the House (Lord Elcho) has represented a venerable Gentleman on this side as a "molluscous" supporter of the Government; and, on the other hand, we have had a chapter from Robertson's *History of Scotland*. I rise to reclaim the debate. And what is the debate? We have had a very simple proviso, moved by one who probably knows more about the subject than most of us—the hon. Member for Carlow (Mr. Kavanagh)—to except the reclamation of land from this clause altogether, and we have been favoured by a series of discourses on the principle of the Bill imported into the discussion upon it. It is very much to be regretted that hon. Gentlemen who speak upon this subject do not take some little pains to understand what they are talking about. I regret—not being a "molluscous" animal myself—that the right hon. Gentleman at the head of the Government throws, probably, a little too much earnestness into this debate; but if he would be content to allow the Irish Secretary to manage the Bill in his own quiet, unobtrusive way, we should stand some chance of getting through the Bill this Session. I very much wish to do so, and, therefore I will give a hint, which is not "molluscous," as to this reclamation of land—

> "Nec Deus intersit, nisi dignus vindice nodus;"

and then we should not have these fervent harangues of the hon. Baronet the Member for East Devon (Sir Lawrence Palk), and other Gentlemen who come in late, and mistake the subject. Now, as to this reclamation of land, although I do not put myself forward as an intelligent agriculturist—God forbid—I have reclaimed some land in my time, and have spent some money over it, and I know well what reclamation of land means, and if I find any fault with this clause, it is this—that you define everything in the Bill, you state what improvements are, but you have not defined reclamation of land. There are two sorts of reclamation of land; one is merely removing the stones, the cost of which you may get back in six years undoubtedly if there is a good subsoil; the other is reclaiming land, for which you may not be repaid under 30 or 35 years. And there is some land in Ireland which a sensible man will leave alone. I lament that there is not some definition of what reclamation of land means. You may say—"The Judge will decide this;" but without some definition you will set the people all at sea. I do not accuse hon. Members opposite of wishing to stop the Bill. All who have the interests of Ireland at heart will wish to see this land question settled this Session. It is not a party question. I would say, by the way, that I regret the noble Lord (Lord Elcho), who is generally so courteous, and who has this evening made one of the best speeches on this side of the question, did, if I may say so, rub up the hon. Member for Berwickshire (Mr. Robertson) probably a little more harshly than the occasion warranted. However, I hope the Chief Secretary will give us some idea as to what he means by reclamation of land, and then I shall vote for the Bill with far more pleasure than I have.

Mr. G. B. GREGORY said, that there would be great difficulty in selling or mortgaging land, when claims of this kind might spring up and extend themselves over a great number of years, and such provisions would tend to prevent the flow of English capital into Ireland.

Mr. CHICHESTER FORTESCUE promised, before the Committee came to the end of its labours, to consider very carefully in what way the word "reclamation" should be defined.

Mr. PELL thanked the right hon. Gentleman for that statement. While some land paid for reclamation in five years, other land took 41, and he objected to classing reclaimed land with permanent buildings. The case of a labourer who reclaimed a piece of coarse ground for growing potatoes should not be classed with the case of another who, after cutting bog for years and using it for fuel, worked the subsoil and grew potatoes like the other.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 230; Noes 134: Majority 96.

Mr. SYNAN moved to add the words, in line 7,—

> "Permanent improvement by main and arterial drainage and embankments to prevent tidal waters and river floods,"

and said, that anybody who knew what such works were would at once see that the cost of making them could not be compensated during a 20 years' occupation.

Mr. CHICHESTER FORTESCUE objected.

Amendment, by leave, *withdrawn.*

Colonel BARTTELOT said, he had hoped that the early discussion on the reclamation of land and the words which he was now about to propose might have been taken together and a decision come to upon them; but they had been separated by speeches from the Treasury Bench, which made it imperative on him either to elicit some satisfactory declaration from the Prime Minister, or to divide the Committee. It was said sometime since by the Chief Secretary that a lease for a money valuation was included in the Bill, and therefore his Amendment was unnecessary; but the Committee had since heard that 30, 40, 50, or 60 years were not sufficient to recoup a man for the money he might have laid out in the reclamation of land. That was a perfect delusion. The hon. Member for the county of Cork (Mr. M'Carthy Downing) had said, in the most emphatic language, that he never heard of a lease for so short a term as 20 years being given in the South of Ireland in the case of a man reclaiming his farm. Now, he had at that moment in his possession leases of that character, and anyone who knew him would believe that what he stated about those leases was perfectly true. Indeed, he would be ready to show the leases to any hon. Gentleman. He had leases that were granted on an estate which the hon. Member for Waterford (Mr. Osborne) knew well, as it was in his neighbourhood 15 or 16 years ago, and would expire in 1874. They were granted at sums from 1*s.* 6*d.* up to 4*s.* or 6*s.*, the tenants were perfectly satisfied, and it would be monstrous that any clause in this Bill should prevent the landlord from receiving that which was righteously his own. The tenants would be willing to pay a reasonable rent for the land; but whether they would be satisfied, after the extraordinary speech from the Prime Minister, which might alter the whole aspect of affairs, he did not know. He knew something about the Devon estate, for he had been quartered near it, and, notwithstanding Mr. Curling's evidence, he ventured to say that in nine cases out of ten, in any reclamation of land, a 31 years' lease would recoup a man, because in any lease for the future he would take the land at a nominal rent, and after 31 years he ought to pay the full value of the land. Moreover, an hon. Member on the opposite side had distinctly stated that he had tenants, both Scotch and English, who would be glad to reclaim the land for a 19 years' lease; and, if that were so, a 31 years' lease would be a good bargain for the Irishman. He begged to move in page 5, line 7, after "or," to insert—

> "In respect of any land reclaimed under any lease or agreement made before the passing of this Act for a term certain of not less than twenty years, or after the passing of this Act for a term of not less than thirty-one years.

MR. GLADSTONE said, it would be infinitely better to separate retrospective from prospective improvements, because they were dealt with upon different principles. With regard to the former, more than the hon. and gallant Gentleman's Amendment was provided for by the Bill as it stood. Sub-section *c* of the 4th clause provided that—

> "In respect of any improvement made either before or after the passing of this Act in pursuance of a contract entered into for valuable consideration,"

a tenant should not be entitled to any compensation. According to the spirit in which the Bill was framed, if it were found in a lease that the tenant had undertaken by virtue of the terms of the lease, whether for 20 years or a shorter period, to execute certain improvements in the absence of evidence to the contrary, it would be taken for granted that the other terms would obtain valuable consideration on account of which he had undertaken to execute those improvements. Therefore, the object of the hon. and gallant Gentleman would be better gained by the Bill as it now stood than by the Amendment.

COLONEL BARTTELOT said, he would not press his Amendment to a Division if he were quite satisfied that the right hon. Gentleman was right in his explanation. On looking back, however, to the 2nd clause of the Bill and to the sub-section which had been taken out, he noticed that the [reclamation of land was to be taken into account, even though the lease were for 31 years.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) explained that the section referred to did not deal with reclamation at all either by contract or otherwise. If a lease were made for 31 years, in which nothing was said about reclamation, and in the absence of any contract between the landlord and tenant on the subject, then the tenant would be entitled to no compensation for reclamation.

DR. BALL agreed that it would be better to separate the retrospective from the prospective portion. It appeared to be the same question over again with respect to the past.

Amendment, by leave, *withdrawn.*

MR. DISRAELI referred to the Amendment which he had placed on the Paper — namely, after sub-section (*a*) to insert the following sub-section:—

> "In respect of permanent buildings erected thirty-one years, and of reclamation of land made twenty years, before the making of the claim."

The right hon. Gentleman said, after the Division which had taken place, and which virtually decided his proposition, he should not be prepared to ask the Committee to express an opinion on it then; but he would consider the whole question, and see whether he could not ask the decision of the Committee on the question in a wider form upon the Report.

MR. KAVANAGH moved in sub-section (*b*), line 8, to omit after "improvement" the words "prohibited in writing by the landlord," the retention of which would have a very mischievous effect in enabling a tenant, no matter what the act done by him was, unless it had been forbidden by the landlord, to make a claim for it as an improvement. It was perfectly impossible for a landlord or his agent, however active, to know of every little thing that might be done by a tenant.

MR. CHICHESTER FORTESCUE said, his hon. Friend had mistaken the drift of that sub-section, which had been framed not in favour of the tenant, but in favour of the landlord. It was a provision of a temporary kind for the protection of the landlord's interest, and it would operate only during a short period after the passing of the Act, and during the remnant of a lease entered into before the passing of the Act. It would prevent the landlord from being saddled with improvements to which he might reasonably object during a period when he could not be able to use the *ultima ratio* of a notice to quit, and so not able to offer to the tenant the alternative of making a fair agreement as to improvements, or of quitting the farm. Any work done which did not increase the letting value of the holding was not to be deemed an improvement; but a work might be an improvement as far as the particular holding was concerned, and yet not an improvement in respect to other portions of the estate, and, therefore, the landlord might have good reason for wishing to prevent its execution.

Amendment *negatived.*

MR. R. TORRENS said, sub-section (*b*) proposed to deal with the very exceptional case in which the landlord, having in writing prohibited the tenant from executing a certain work, the tenant, in direct defiance of such written notice, proceeded to execute a work which he chose to call an improvement. Under ordinary circumstances such an act would be a breach of the lease, and would constitute a good ground for turning the tenant out of the holding. According to the clause, if the work was done more than two years after the passing of the Act the landlord would have to pay the tenant for it, even though the Court certified that it had actually damaged the general value of the estate. He proposed to amend the sub-section by leaving out all the words between "landlord" and "or," in line 14, and inserting—

"Unless it shall appear to the Court that such improvement has increased the general value of the landlord's estate."

Amendment proposed,

In line 9, to leave out all the words from the word "as" to the word "Act," in line 14, both inclusive, in order to insert the words "unless it shall appear to the Court that such improvement has increased the general value of the landlord's estate."—(*Mr. Torrens.*)

MR. CHICHESTER FORTESCUE assured the hon. Gentleman the sub-section had nothing like the effect he supposed. It was merely a temporary provision, the result of much thought and consideration, and carefully adapted to guard the interest of the landlord; whereas what the hon. Gentleman wished to substitute was a permanent provision.

MR. CORRANCE said, he would support the Amendment, for it was at least intelligible; but, as the clause stood at present, an omniscient Court would be required to understand its meaning.

Question put, "That the words 'as being and appearing to the Court' stand part of the Clause."

The Committee *divided*:—Ayes 225; Noes 156: Majority 69.

MR. SYNAN moved, in line 10, to leave out between "to" and "and," and insert "have diminished."

MR. CHICHESTER FORTESCUE opposed the Amendment, and said the object of the clause was to enable a landlord to prevent the tenant doing anything that was calculated to diminish the general value of the estate.

Amendment, by leave, *withdrawn.*

MR. CHAPLIN moved to omit the latter part of the sub-section, and said that if the words were allowed to remain in the clause its object would be completely negatived so far as improvements made within two years were concerned.

Amendment proposed, in line 11, to leave out from the word "and" to the word "Act," in line 14, both inclusive. —(*Mr. Chaplin.*)

MR. GLADSTONE said, the Government had determined that improvements for which compensation was claimed must be not only suitable to the holding, and increase the letting value, but they must also be beneficial to the general value of the estate. It would be most unfair for a landlord to have absolute power of preventing compensation being given for improvements, and the Government had come to the conclusion that the proper method for the landlord was to defend himself by contract. In order that a landlord might use his power to contract it was necessary to provide for the period which must elapse before the contracts now in existence either determined of themselves or could be brought to a termination, and to provide for that two years were allowed. They also provided for the unexpired part of any existing lease, by giving the landlord a prohibitory power for a limited period, after which he would have the power of making a contract.

MR. CHAPLIN said, that if the words were left in the clause a tenant would be able to claim compensation with respect to improvements which would diminish the general value of the estate.

MR. SPENCER WALPOLE said, he thought his hon. Friend was right in the point he had submitted to the Government. This sub-section dealt with cases in which there were no contracts, and in what position were landlords then placed? According to the clause, as it was now drawn, if the improvement did not add to the permanent value of the estate, no compensation was to be given. This matter ought to be dealt with on the general principles of the Bill.

Mr. CHICHESTER FORTESCUE said, the next sub-section was intended to deal with the future; but if the Amendment were carried that sub-section ought to be struck out, because the Amendment would enable a landlord for all time to come to prevent any improvements on his estate. The Government did not hold that view; but were of opinion that, after a limited time, landlords and tenants should be at liberty to enter into contracts.

Mr. SPENCER WALPOLE said, that the sub-sections of the clause were based upon different principles. The effect of this Amendment would be to confine the prohibition of improvements to those which did not add to the value of the land.

The ATTORNEY GENERAL said, the distinction between improvements which added to the value of a particular holding and those which added to the value of an estate was lost sight of; and improvements that did not add to the value of a particular holding could not be made the subject of compensation. This sub-section gave the landlord the power, under certain circumstances, of prohibiting an improvement which, although it might improve the value of the holding, would not add to the value of the general estate.

Mr. BRUEN called attention to the position of a landlord who did not choose to enter into a contract, and whose alternative would be to serve a notice to quit; and if it were a £10 holding he would have to pay a seven years' rental, which would be a great injustice.

Lord ELCHO, reverting to the distinction drawn by the Government between improvements which added to the value of an estate and those which added to the value of a holding, asked for an example of an improvement which would increase the value of the holding without adding to the value of the estate.

The ATTORNEY GENERAL said, he was not an agriculturist; but he could conceive that there might be an improvement which would add to the value of the holding and yet not benefit the estate.

Mr. CHICHESTER FORTESCUE reminded the noble Lord that a farm might be admirably drained by a system which would lay the adjoining farm under water.

Mr. AGAR-ELLIS said, if he understood the effect of the Amendment, it would make this clause a permanent one, instead of a temporary one.

Dr. BALL said, there was more in this sub-section than mere prohibition, and it was not fair to speak merely of adding to the value of the estate, because the words used were—"calculated to diminish the general value of the estate."

Mr. CHICHESTER FORTESCUE said, there was a presumption in favour of any work that was an improvement.

Lord ELCHO again asked for some information as to the distinction drawn between improvements that added to the value of the holding without adding to the value of the estate.

Question put, "That the words 'and made within two years after the passing of this Act' stand part of the Clause."

The Committee *divided*:—Ayes 212; Noes 153: Majority 59.

Mr. R. N. FOWLER said, that as there was other important business before the House, he should move to report Progress.

Mr. GLADSTONE said, the Government had been compelled to sacrifice a portion of the time due to this Bill on Monday in order to settle a matter with which they had no concern whatever. He would not contest the Motion; but perhaps the hon. Gentleman would give them a little more latitude to-morrow night.

Lord ELCHO suggested that the Bill should be re-printed as it originally stood, with the Amendments marked in red ink.

House *resumed*.

Committee report Progress; to sit again *To-morrow*.

PIER AND HARBOUR ORDERS CONFIRMATION BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill for confirming certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," relating to Alum Bay, Dartmouth, Ilfracombe, Penryn, and Walton-on-the-Naze.

Resolution *reported:* — Bill *ordered* to be brought in by Mr. SHAW LEFEVRE and Mr. STANSFELD.

Bill *presented,* and read the first time. [Bill 117.]

House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, 6th May, 1870.

MINUTES.] — PUBLIC BILLS—*First Reading*—Attorneys' and Solicitors' Remuneration * (86).
Committee — Inverness County, &c. (Boundary)* (48).
Third Reading — Oyster and Mussel Fisheries Supplemental * (62); County Courts (Buildings) * (83), and *passed.*

NEW PUBLIC OFFICES—GROUND PLANS. QUESTION.

LORD REDESDALE said, a plan had already been deposited in the Library, giving some of the information relative to the ground plan of the proposed new Government buildings which he wished to obtain. Its defect, however, was that it contemplated a considerable further demolition of buildings, and a corresponding extension of the Government offices, in excess of any Parliamentary powers at present in existence. It represented both extremities of Parliament Street as equally wide; whereas, as far as the powers already obtained extended, one end would remain narrow. He should be glad if an additional plan could be produced, showing more completely the proposed relation of the New Government Offices to King Street, Parliament Street, Charles Street, and Downing Street, and to the Council Office in the latter street, and Whitehall.

EARL GRANVILLE said, he had supposed that the plan placed in the Library on Monday was nearly in accordance with what the noble Lord desired. He believed that other plans were in an advanced state; and the information sought by the noble Lord would, if possible, be afforded him.

LORD REDESDALE explained that he desired to know the state in which Parliament Street and King Street would remain after the Government Offices were erected?

House adjourned at a quarter past Five o'clock, to Monday next, Eleven o'clock

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HOUSE OF COMMONS,

Friday, 6th May, 1870.

MINUTES.]—PUBLIC BILLS — *Ordered—First Reading*—Commons Inclosure * [119].
Select Committee—Juries * [32], *nominated.*
Committee—Irish Land [29], *adjourned debate resumed and again adjourned.*
Committee—Report—Railways (Powers and Construction) * [76].
Considered as amended—Bridgwater and Beverley Disfranchisement * [98]; Poor Relief (Metropolis) * [36]; Felony * [103]; Mortgage Debenture Act (1865) Amendment * [78]; Norwich Voters Disfranchisement * [99].

MALTING REGULATIONS. — QUESTION.

MR. G. MILLES said, he would beg to ask Mr. Chancellor of the Exchequer, Whether, in the promised permission to sprout barley, so that the operation be conducted within a quarter of a mile of a kiln, he will exclude the words "hop oast," from the definition of "kiln," without which exclusion the permission will be practically nullified to a large number of farmers in hop-growing counties?

THE CHANCELLOR OF THE EXCHEQUER: Sir, there is no doubt that "hop oast" is a kiln, and a kiln subject to all the dangers we anticipate; and if we were to exclude it from the Act, we should really be allowing kilns perfectly well adapted for drying malt. I fear, therefore, the farmers in hop-growing counties will be precluded from the benefit we intended for them; for I am afraid we cannot make an exception without seriously compromising the very principle on which we are able to make a concession, which is that there shall be no attempt to kiln-dry barley after being steeped for the purpose of feeding cattle.

FUNDED AND UNFUNDED DEBT.

QUESTION.

Mr. CUBITT said, he wished to ask the Secretary to the Treasury, Whether the statement of the capital of the Funded and Unfunded Debt issued on April 5th, in which it was stated that the total debt of the Country on March 31st was £801,406,563, included the seven millions of stock which was created for the purchase of the telegraphs; and, if so, how it arises that the funded debt according to this Return has increased within the year by a sum of £402,043 only; and if this result has been caused by cancelling any stock held on behalf of the Court of Chancery, what is the total amount of stock which has been so cancelled; what, if any, are the liabilities undertaken by the Exchequer in respect of such stock, and whether the stock appropriated for the construction of the New Courts of Justice has been included in the amount cancelled, or has been separately treated?

Mr. STANSFELD: Sir, my hon. Friend asks me whether the statement of the total Debt of the country on March 31 — namely, £801,406,563 — includes the £7,000,000 of stock created for the purchase of the telegraphs; and what I have to say is that the £7,000,000 of stock for the purchase of the telegraphs is included in that amount. The reason of the small difference between the capital stock of the funded debt on the 31st of March and its amount during last year — that difference being only £402,043—is this, as in fact the Question seems to imply, that the stocks which have been held connected with the Chancery and Bankruptcy funds have been cancelled and converted into a book debt. The amount of stock so cancelled did not include a sum of £1,000,000 to be appropriated for the construction of the new Courts of Justice. The liabilities of the Exchequer, with reference to these Chancery and Bankruptcy stocks, are not in any way affected by their conversion into a book debt.

CANADA—RED RIVER SETTLEMENT.

QUESTION.

Sir CHARLES ADDERLEY said, he wished to ask the Under Secretary of State for the Colonies, What information the Government have received relating to the settlement of the Red River affairs and the admission of that territory as a province of the Dominion of Canada?

Mr. MONSELL: Sir, as I stated yesterday in answer to my right hon. Friend, I have to state that the negotiations between the Government of Canada and the Red River delegates have closed satisfactorily, and a Bill to give effect to the arrangement between the two parties, as we learn by a telegram received yesterday, has passed through the House with the general consent of all parties. An expedition was about to proceed to the Red River, which it was expected would be an expedition of peace. The terms arranged between the two parties are that a province named Manitoba is to be constituted, which will comprise the settled portions of the Hudson's Bay territory. Its population will be about 15,000, and its area 11,000 square miles. The Lieutenant Governor will be appointed by the Government of Canada. It will have representative institutions. Its Upper House will be nominated; its Lower elected by the people. It will be represented in the Parliament of the Dominion by two senators and four representatives, to increase hereafter in proportion to population. The waste lands are to belong to the Dominion, but 1,200,000 acres are to be reserved to extinguish the claims of half-breeds and Indian titles; all existing titles and possessions are to be respected. Satisfactory and liberal financial arrangements are to be made by the Government of Canada with the new State, and in all other respects it is to have terms secured to it analogous to those already granted to the other provinces that constitute the Dominion. The vast unsettled and unpeopled territory not included in the new province is to be administered by the Lieutenant Governor under instructions from the Canadian Government.

BRITISH MUSEUM — ENGRAVINGS OF MARCO ANTONIO.—QUESTION.

Mr. BENTINCK said, he would beg to ask the right hon. Member for the University of Cambridge, Whether the Trustees of the British Museum are aware that an important sale of engravings by Marco Antonio is about to take place at Frankfort on the 17th instant, and whether they have applied, or are about to apply, to the Treasury for authority to purchase at the market value such examples as are not contained in the National Collection, and are proper to be added thereto? He would beg to add that, as far as he was advised, £1,000 would be necessary for the purpose. He therefore asked whether, if the Trustees thought £1,000 too much, they would limit their demand to a smaller sum, having regard to the fact that this opportunity might not again occur for a considerable period?

MR. SPENCER WALPOLE said, in reply, that he was not aware of this sale until his hon. Friend spoke to him about it yesterday evening. On inquiry to-day he found that an application had been made to the First Lord of the Treasury, and a reply forwarded to the British Museum yesterday. He (Mr. Walpole) had made such inquiries as he had been enabled to do in the course of the day as to the nature of the collection. It was a remarkably fine collection; and as the sale took place, not on the 17th, as the hon. Gentleman supposed, but on the 16th, a special meeting of the trustees had been convened for Tuesday next, in order to take the matter into consideration.

HUDSON'S BAY COMPANY.

QUESTION.

VISCOUNT MILTON said, he would beg to ask Mr. Attorney General, Whether the Act of the 2nd William and Mary, "for confirming to the Hudson's Bay Company their Privileges and Trades," was not limited to a period of seven years, long since expired; whether the Letters Patent of Charles the Second, as originally granted to Prince Rupert and other Adventurers, did not expire on the death of that King, and were only conditional on such Adventurers expending a sum of £10,000 in fitting out an expedition for the discovery of a north-west passage, which enterprize was never undertaken by them, such patent becoming thereby absolutely void; whether the statute of the 4th William and Mary, chapter 15, by which this Company of Adventurers undertook to pay £5 per share annually to the Crown as an acknowledgment of such trading (not territorial) privileges, has not been treated as a nullity, notwithstanding the very large profits that have accrued under the previous private Act of the 2nd of William and Mary; whether the Statute of Mortmain is not an effectual barrier to the acquisition of sovereign rights and territory by an English Company of Traders without the express authority of Parliament; whether the Limited Liability Companies Act under which form the present Hudson's Bay Association (Limited) are now trading, is not strictly confined to the United Kingdom, extending neither to Prince Rupert's Land nor yet to British North America in its operations, and which limited Company has not as yet received any Charter from the Crown which could be surrendered to the Canadian Dominion; when the Copy of all Papers ordered by this House on the Motion of Sir Harry Verney, in the last Session—namely, on the 1st day of June, will be laid upon the Table; whether a Copy of the private Act of the 2nd William and Mary, chapter 10 (not as yet printed), will be included in such Return; and, whether Parliament has not refused to confirm or renew the Letters Patent of Charles the Second, but on the other hand by the public Act of the 4th of William and Mary, chapter 15, before referred to, positively declared the trading privileges of the said Hudson's Bay Company to be at an end, unless £5 per share per annum should be paid to the Crown, such so-called Charter otherwise to be void; and when and under what circumstances such annual payments ceased to be made; and whether with the concurrence of Parliament or not?

THE ATTORNEY GENERAL said, the noble Lord, in about the longest Question that had ever been addressed by one Member of Parliament to another, had asked for information upon a number of interesting historical questions, and for opinions on various questions of law. He had seen the Question only an hour before, and would give him the best answer he could.

VISCOUNT MILTON offered to put the Question again on Monday. ["No!"]

THE ATTORNEY GENERAL said, that the noble Lord asked whether the Act of the 2nd William and Mary, "for confirming to the Hudson's Bay Company their Privileges and Trades," was not limited to a period of seven years, long since expired. To that he replied that the Act was so limited, and the noble Lord was quite right in supposing the seven years had long since expired. The noble Lord next asked whether

> "The Letters Patent of Charles II., as originally granted to Prince Rupert and other Adventurers, did not expire on the death of that King, and were only conditional on such Adventurers expending a sum of £10,000 in fitting out an expedition for the discovery of a north-west passage, which enterprize was never undertaken by them, such patent becoming thereby absolutely void ?"

Upon that Question he was of opinion that the patent had not become void, and he quoted the opinion of Lord Mansfield, Sir Dudley Ryder, Sir John Jervis, Sir John Romilly, Sir Richard Bethell, and Sir John Keating to the same effect. The noble Lord further asked whether

> "The statute of the 4th William and Mary, chapter 15, by which this Company of Adventurers undertook to pay £5 per share annually to the Crown as an acknowledgment of such trading (not territorial) privileges, has not been treated as a nullity, notwithstanding the very large profits that have accrued under the previous private Act of the 2nd William and Mary ?"

He believed the statute had not been acted upon, at all events in recent times. To the next question he replied that the Statute of Mortmain did not prevent the settlement of a British Colony abroad, and the best authorities had treated the territory of the Hudson's Bay Company as a settled Colony in America. In the original Letters of Charles II. it was spoken of as "a Colony or plantation." The next question was—

> "Whether the Limited Liability Companies Act, under which form the present Hudson's Bay Association (Limited) are now trading, was not strictly confined to the United Kingdom, extending neither to Prince Rupert's Land nor yet to British North America in its operations, and which limited Company has not, as yet, received any Charter from the Crown which could be surrendered to the Canadian Dominion ?"

Undoubtedly the Limited Liability Companies Act was confined to this kingdom ; but because a company having possessions abroad chose to register themselves under that Act in this country, they did not therefore lose any possessions or rights which they had abroad, and the registration of the Hudson's Bay Company in this country did not affect their charter or their right to surrender it to the Dominion. The noble Lord's next Question was—

> "When the Copy of all Papers ordered by this House on the Motion of Sir Harry Verney, in the last Session—namely, on the 1st day of June—will be laid upon the Table ; whether a Copy of the private Act of the 2nd William and Mary, chapter 10 (not as yet printed), will be included in such Return ?"

In reply to that he said those Papers had been laid on the Table on the 2nd of August, 1865, and the noble Lord could find them in Parliamentary Paper No. 390. If he had taken the trouble to make inquiries in the Library, he would have found this out before. He now came to the last Question asked by the noble Lord, which was—

> "Whether Parliament has not refused to confirm or renew the Letters Patent of Charles II., but, on the other hand, by the public Act of the 4th of William and Mary, chapter 15, before referred to, positively declared the trading privileges of the said Hudson's Bay Company to be at an end unless £5 per share per annum should be paid to the Crown, such so-called Charter otherwise to be void ; and when and under what circumstances such annual payments ceased to be made ; and whether with the concurrence of Parliament or not ?"

To that he could only say that the statute did require such payment to be made. He did not know under what circumstances they were discontinued ; but as a large number of subsequent statutes had recognized this company, the forfeiture, if any had occurred, had been repeatedly waived.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

NATIONAL GALLERY—BRITISH MUSEUM, &c.—EVENING ADMISSIONS.

RESOLUTION.

MR. ALLEN said, he rose to move—

> "That, in the opinion of this House, it is desirable that the National Gallery and certain portions of the British Museum should be opened for the inspection of the public between the hours of seven and ten in the evening, at least three evenings in the week."

The question involved in his Motion was one of great importance to the working population of London and its suburbs. The practical effect of the present regulations was to exclude the great bulk of the working classes from these institutions, and they were thereby debarred from all chance of deriving amusement or instruction from the treasures which those buildings contained. In fact, he might in perfect truth say that had the present regulations been devised for the express purpose of excluding the working classes, they could not be more effectual in attaining that object. The case for the opening of these places on week-day evenings was very strong; nay, it could not possibly be stronger. Those institutions were national institutions, paid for and supported by the people of the country, and yet they were closed at the very time when the great mass of the working classes could take advantage of them. This was a most unfair state of things, and it was time some remedy such as he advocated should be provided. The House had always been opposed to class legislation, and he now asked it to declare against class regulations. As he could not reply he would endeavour to anticipate the various objections which might be urged against his proposed Motion. The principal objection would doubtless be the supposed danger from fire and risk of injury from gas. Now, he would be the first to oppose these collections being opened in the evenings unless proper precautions against fire were taken. He might mention that in the year 1860 a Select Committee consisting of 15 Members, impartially chosen, sat and considered this question. They heard a good deal of evidence of a practical and scientific character, as well as evidence from working men, and those best acquainted with the working classes of the metropolis, and they adopted a Report recommending the opening of the British Museum and the National Gallery on certain week-day evenings in order to afford the working classes the opportunities of instruction and pleasure. That Committee further were of opinion that the Museum and Gallery might safely be opened at least upon three evenings of the week from 7 to 10 o'clock under due regulations, and those who had read the evidence taken by that Committee, could not but concur in the conclusions at which they had arrived. Now, would the contents of the buildings be in danger from fire, or be likely to be injured by gas? An answer to the latter objection would be found in the fact that some years ago a Royal Commission composed of five eminent men, including Professors Hoffmann, Tyndall, and Faraday, was appointed to consider that very question, and they reported that

there was nothing innate in coal gas which would render its application to the illumination of picture galleries objectionable. With respect to gas they further recommended that it should be burned in open jets, for the purpose of promoting ventilation, due care, of course, being taken that all the products of combustion should escape. Mr. Cole, in his evidence before the Select Committee of 1860, as the result of his experience at South Kensington, expressed the opinion that gas did not injure pictures, and the same opinion was expressed by Mr. Wornum, the Secretary of the National Gallery. Mr. Panizzi, who might be considered as a hostile witness, did not believe there was much risk of fire, supposing due precautions were taken. He might add that Mr. Cole had drawn his attention to the case of the celebrated Sheepshanks Collection, which, he said, had been exhibited three evenings in the week for 12 years, and instead of being deteriorated, had rather improved. And, in reply to the argument which would probably be used against his Motion, that it would not be safe to open the Museum and National Gallery in the evening, his answer was, that the same thing was done, and had been done with perfect safety for a number of years, at the South Kensington Museum. Then, as to the important question whether the working classes of London would really value the privilege of visiting these institutions, supposing it was granted to them, he could only say that he himself had presented various Petitions, many of them very numerously signed by working men, and a Petition from members of Working Men's Clubs, which were unanimously in favour of his Motion, and urged its adoption on the ground that the want of rational amusement tended to the promotion of intemperate habits. Before the Committee of 1860 a great deal of evidence was given by clergymen and ministers well acquainted with the feelings of the working classes of the metropolis and also by working men themselves who thoroughly understood the views of the class to which they belonged, and they were almost all unanimous that it would be one of the greatest blessings that could be conferred on the working classes of the metropolis if the National Gallery and the British Museum were thrown open to them on week-day evenings. With regard to the objection of expense, he believed the cost of opening the National Gallery in the evening would only be about £4,000 a year, and the cost of doing the same for portions of the British Museum, such as the Natural History Collections and the Antiquities in the upper rooms—for he did not touch the lower—would not be more than £6,000 a year. He thought the House would be of opinion that that was a very small price for the nation to pay for such great benefits. When it was considered that this year the Vote for the National Gallery was some £16,000, and for the British Museum £90,000, the additional sums that would be required for opening these institutions in the evening might well be granted to make them available for the amusement and instruction of the great masses of the people. The question was, not whether daylight was not the best light for seeing the collections; but whether the working classes of the metropolis should have any chance of seeing them at all. He might be told that if they were opened in the evening they would attract a crowd; but that was the very thing he wanted. He wanted to tempt the working classes to frequent, by thousands the British Museum and the National Gallery, instead of thronging to gin-palaces, public-houses, and low dancing places, and spending their evenings in dissipation. He wanted to give them tastes for purer pleasures than many of them had at present. He did not wish to weary the House by dwelling upon a case which had such just grounds to recommend it, and he would therefore simply move his Resolution and leave it for the consideration of the House.

MR. KINNAIRD seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable that the National Gallery and certain portions of the British Museum should be opened for the inspection of the public between the hours of seven and ten in the evening at least three evenings in the week,"—(*Mr. Allen,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. SPENCER WALPOLE said, on the part of the Trustees of the British Museum—for he was not going to offer any observations on behalf of the Governors of the National Gallery—he could assure the hon. Gentleman (Mr. Allen) and the House that nothing would give them greater gratification than to be able to extend thetime for seeing the noble collections of that institution for the benefit of the working classes as much as other people; and he had no doubt that those Gentlemen who should speak for the National Gallery would make a similar remark. There were two great objects which the Trustees of such an institution as the British Museum must always keep in view, the one to afford facilities for study in literature, art, and science, the other to contribute to the popular instruction and rational amusement. Now, he believed the hon. Gentlemen would find that, as far as they were able to do so with perfect safety to the collections in the Museum, the Trustees were not only desirous, but they had accomplished their desire, of giving for the two purposes to which he had adverted the greatest facilities. Perhaps the House would allow him to state what the arrangements were at present. Speaking first with regard to study, the Museum was open every day in the week for that purpose during the winter months from 9 to 4, during the spring and autumn months from 9 to 5, and during the summer months from 9 to 6. To the public generally the Museum was open on Mondays, Wednesdays, and Fridays during the hours he had mentioned, except that in the winter the hour of opening was for them 10 instead of 9. In addition to this, the Trustees had made a further arrangement to which he would presently revert. Now, unless the hon. Gentleman could show that, with safety to the Museum, arrangements could be made for the purpose of opening the collections to the humbler classes at night, and a greater extension of time given, he believed almost everything had been done that was possible for the accommodation of the public. The objections to opening the Museum in the manner proposed had more or less been pointed out by the hon. Gentleman himself. The hon. Gentleman adverted to the Report of the Committee on Public Institutions of 1860, of which his hon.

Friend the Member for Perth (Mr. Kinnaird) was a Member. It was perfectly true that that Committee recommended that, for the recreation of the people, great institutions, like the British Museum and National Gallery, should be opened at night; but even that Committee, in making its Report, saw plainly from the evidence that it was by no means so clear that this could be done with safety to the collections. It was true that they stated—

> "With respect to the British Museum, the Geological Museum, and the Museum of the East India Company, your Committee find that, although many of the objects they contain could not be so well inspected by artificial light as by daylight, yet that a large portion of the collections could be seen in the evening, and would afford much interest and instruction to the people."

But in another part they say—

> "With reference to the first point—that of opening by night—your Committee would submit that, from the evidence brought before them, the National Gallery, and portions of the British and other public museums, could safely be visited in the evening if proper precautions against fire can be taken."

Now, this question of proper precaution was one of the main points to which they had to direct attention. About that time the Trustees felt it their duty to inform themselves, in the best way they could, as to the risk to the collections if opened at night; and he had now in his hand a Report, made to them 10 years ago, first, by the late Mr. Braidwood, Superintendent of the London Fire Brigade; and, secondly, by Mr. Smirke, the architect to the Museum. Mr. Braidwood said—

> "In the first place, the use of gas desiccates everything within its reach, especially all ceilings, roofs, &c., which are placed above the lights, thus rendering them much more inflammable than they otherwise would be, causing what would otherwise be a trifling fire, a serious conflagration. In the second place, the heat and fumes evolved by the combustion of gas are most decidedly against the preservation of any vegetable or animal substances, and tend to discolour stone, marble, &c., in such a manner that it is very difficult to restore the original colour. This is stated on the supposition that the Museum is to be lighted by single Argand lights; but if what are called 'sun' burners are used the risk will be immensely increased. The sun-burner consumes a very large quantity of gas at one point, causing an intense degree of heat, which has to be carried off by pipes, a process difficult of performance with perfect safety in a building constructed with so much inflammable material as the Museum. Several fires have been occasioned by their use. I would therefore consider these lights as totally inadmissible in the British Museum."

Mr. Spencer Walpole

Mr. Braidwood also said—

> "I believe the risk to be such that on no consideration should a building intended to last for ages, and containing such invaluable property as the British Museum, be subjected to it."

Mr. Smirke, the architect, certainly expressed an opinion that arrangements could be made which would diminish the risk from fire, but he said—

> "I quite concur with Mr. Braidwood as to the great risk of using gas sun-burners, without removing every inflammable substance far away from them and from the ventilating tubes over them. It would be impossible to do this without a very extensive reconstruction of the floors and roofs."

These were the opinions brought before the Trustees in 1860, and the House would not be surprised that the Trustees thought they would not be justified in running the risk of opening the British Museum at night under such circumstances. After that the matter more or less slept till last year, when the hon. Gentleman gave Notice of a Motion to a similar effect to that which he had made that evening, only it was proposed by way of Amendment to another Motion made by the hon. Member for Galway (Mr. W. H. Gregory). On that occasion, therefore, it was the duty of the Trustees again to consider whether — notwithstanding the many improvements that might have been made in the interval—those Reports ought still to be acted upon by them or not. Well, they consulted the best authorities on the subject—namely, Professor Tyndall and Captain Shaw, the Superintendent of the Fire Brigade. Professor Tyndall, having given a strong opinion that, with proper structural arrangements, the thing could be done, did not change that opinion; but he thought they must make great alterations and special arrangements in a building not constructed for the purpose, like the South Kensington Museum, before an old building like the British Museum should be opened at night. Professor Tyndall, in answer to the question addressed to him, replied—

> "1. I think it would be necessary to make special arrangements for the lighting of the British Museum with gas, with a view to public inspection at night. 2. I deem it essential to remove the products of combustion of the gas, and that neither they nor the unburnt gas should be permitted to diffuse in the air of the rooms. 3. With these precautions I do not apprehend any injury either to the collections or the building through the use of gas at a sufficient distance. The lighting of the picture galleries at South

Kensington is likely to furnish you with very valuable hints regarding the lighting of the Museum."

He would next call the attention of the House to the opinion of Captain Shaw. That officer stated that the risk to the British Museum from the use of gas would arise, first, from the escape of gas; second, from the over heating; and third, from the injurious chemical effects. In his Report Captain Shaw said—

> "I am not at all an alarmist in this or any other matter connected with my profession; on the contrary, I say plainly that I believe it to be quite possible to introduce artificial light with almost complete safety into a building as large as the British Museum, and filled with contents of a similar kind and equal value, provided that the building were specially designed and carefully constructed for the purpose; but in this case I wish to state my clear and deliberate opinion, founded not only on general experience, but also and more particularly on a complete knowledge of everything connected with the structure itself and what it contains, that it would not be possible now to devise a safe mode of introducing gas into the British Museum. Having thus explained the risks, I next turn to the precautions which should be taken in the event of its being decided to light the Museum, and, after mature consideration, I am compelled to say that the only reasonably sound measure which I can think of to obviate the risk in any important degree would be to increase the watch of firemen, police, and attendants of all kinds at least four-fold, and even then the safety of the building would be very inferior to what it is now. It seems to me to be hardly comprehensible that anyone really interested in the British Museum and its contents should propose a measure of which the risks are so obvious and the advantages so doubtful."

Therefore the Trustees, with every desire to do all they could to enable the working classes to visit the Museum at convenient hours would, he believed, one and all shrink from the responsibility they would have to incur if, while such an amazing risk would have to be run from lighting the building at night, they recommended the House to accede to the proposal of the hon. Gentleman. I will now state what has further been done for making the Museum more generally useful. Last year the Trustees resolved to propose in the Estimates of this year an extra sum for the purpose of opening the Museum at later hours on the two days when the working classes were able to get away from their employment and to see all our national institutions; and during the summer months the Museum would be open every Saturday and Monday from 12 o'clock in the day till 8 or half-past 8 in the evening. He thought Saturday and Monday were the two days in the week on which the people were most likely to make their holidays; and if the experiment of opening the institution between the hours he had named on those days were fairly tried, he firmly believed increasing numbers would go to see it. He hoped the House would, therefore, take that as some evidence that the Trustees were anxious to do all in their power to accommodate the artizan and working classes. The hon. Gentleman seemed to think that the time when the poorer classes would be most likely to go to the Museum was at a later hour at night; but he confessed he had great doubts on that point—doubts founded, not on mere conjecture, but on the result of an experiment made in 1862, the year of the second International Exhibition, when the Museum was kept open up to half-past 8 in the evening. He had in his hand a Return showing the numbers of the people who, in 1862, availed themselves of the opportunity of seeing the collection in the evening in every week during the months of May, June, July, and August; and it was a remarkable fact that, although large numbers came between 6 and 7 o'clock, they invariably dropped off between 7 and 8 o'clock. The inference he drew from that was that, if they kept the Museum open at too late an hour, the poor would probably not take advantage of the additional time given for inspecting the collections. In May, 1862, the number of visitors to the British Museum, during the special evening admission, was 1,199 between the hours of 6 and 7, and only 634 between 7 and 8 o'clock. In June, the number entering between 6 and 7 was 2,259, and between 7 and 8 only 1,259. In July, the number entering between 6 and 7 was 2,998, and between 7 and 8 only 1,691. In August, the number entering between 6 and 7 was 2,016, and between 7 and 8 only 665. If the Museum were known to be kept open to a later hour, as the Trustees this year proposed that it should be during the summer months, on Saturdays and Mondays, he trusted that the working classes would make their arrangements accordingly, and be induced to go there in large numbers; but it was a somewhat singular fact that the only experiment of the kind that had been made seemed to indicate that the people desired to get home not much later than 8 o'clock.

With regard to expense, if new structural arrangements were adopted, that, he feared, would be very considerable. The hon. Gentleman contemplated the opening at night of parts of the institution only; but that would never satisfy the people. If the Museum was to be opened at all, it must be opened as completely as circumstances would permit. For the purpose of lighting such a building vertical shafts must be introduced through all the ceilings to facilitate the escape of the gas; subsidiary arrangements would also be required, and the cost, according to a rough estimate, would not be less than £10,000. Add to that the increased number of policemen, firemen, attendants and assistants, and it would be seen that, not merely on account of the risk, but also on account of the expense likely to be incurred, it is worthy of consideration whether it would be wise for the House to sanction or for the Trustees to recommend that the British Museum should be opened and lighted at night, as the Motion of the hon. Gentleman contemplated. For those reasons, and not in the least degree with any view of limiting the advantages which the poorer classes might justly expect to derive from such institutions, but because the danger would be so great, and the benefit comparatively so small, he hoped the House would not accede to the Motion of the hon. Gentleman. If that Motion had been made the other night, when he could have moved the Previous Question, he should certainly have met the matter in that way, in order to show that it was not the desire of the Trustees to negative the intentions of the hon. Gentleman, or to refuse or withhold from the people increased facilities for seeing those collections. He should now simply vote that the House go into Committee of Supply, which would be equivalent to moving the Previous Question. He thought the hon. Gentleman might see, after the observations he had just made, that it would be better to await the results of the experiment which the Trustees were going to try on Saturdays and Mondays; it would be better to see whether the working classes availed themselves of the additional opportunities to be afforded them for viewing the collection before we encountered such great risks as he had pointed out. And therefore in the absence of fuller and more accurate information than the House at present had on the subject, he trusted they would not agree to the hon. Gentleman's Motion.

Sir JOHN TRELAWNY said, he was very glad to find that this question had been again brought under the attention of the House, as it seemed to show that there was some disposition to meet the wishes of the working classes. The Motion he made for a Select Committee in 1860 had for its ultimate object the opening of such institutions on Sunday, and he was not unprepared for the hostility which it evoked. He had for a long time felt the effects of the hostility he incurred by that effort. It was satisfactory to find that the question of opening these collections on the evenings of week days was now in the hands of another hon. Member, and was likely to be received with favour. He believed a similar idea had been put into practice at Kew Gardens and Hampton Court with the very best effect. But if these collections could not be opened on Sunday, the working classes ought, at all events, to have every opportunity of seeing them during the week; and it was simply a mockery to say they could visit them in the middle of the day, or before the time at which mechanics' institutes were opened. There was a pride, he was glad to say, in the working men, who wished to go to such places as respectable as possible, and it was impossible they could do so till some time after they had left their daily labour. He considered that the difficulty as to lighting might be readily got over if there was any real desire of enabling the working men to see the national pictures, libraries, and collections of natural history. He had said before, and he would repeat it now, that the other portions of society were taking the money of the working people, and using it for their own purposes, when they did not give them every reasonable facility for visiting the public institutions. He was reminded of an observation that had once fallen from a right hon. Gentleman opposite, who spoke of the amusement to be found in Blue Books. Now, perhaps, a more instructive Blue Book than the Report of his Select Committee of 1860 could hardly be found. It might not be known to the House generally that, in some cases now, the working classes laboured all day on Sunday in order that they might be able to visit the British Museum and other national collections on Monday. That was a state of things which could hardly be satisfactory to those persons who desired that there should be no opportunity on Sunday of going anywhere but to a place of worship. He was glad the matter was making progress, and he was encouraged by the proverb — "Where there's a will there's a way," to hope that the difficulties mentioned by the right hon. Gentleman (Mr. Spencer Walpole) would shortly be overcome. He would suggest that, at any rate, such collections as those from Nineveh, which would illustrate Scripture history, might be exhibited on Sunday and enjoyed by the working classes without harm.

MR. KINNAIRD said, he hoped the right hon. Gentleman (Mr. Spencer Walpole) did not think that those who supported the proposal now before the House meant in any way to reflect on the Trustees of the British Museum. It was, however, rather remarkable that 10 years had elapsed since this matter was first pressed on the attention of the Trustees, and yet that now, for the first time, the attempt had been made to extend the hours of opening on Saturdays and Mondays. He did not think the statistics quoted by the right hon. Gentleman were satisfactory, because it was shown to the Select Committee that the working classes required an interval between the hours at which they left off work and those at which they could set out to visit any public institution. They had to return to their homes first to tea, and therefore were unable, for example, to reach the Museum before the hour of closing. At the North London Industrial Exhibition, held at the Agricultural Hall, Islington, in 1865, upwards of 200,000 persons paid for admission during 21 days; and at the Working Men's Industrial Exhibition, held for 10 weeks in 1866, more than 300,000 persons paid for admission; the great mass of the visitors, indeed, were working people, who attended on week days after business hours. At the South London Industrial Exhibition, held in 1865, no fewer than 124,000 persons paid for admission on 44 week-day evenings. At the South Kensington Museum, upwards of 3,000,000 persons had been admitted on week-day evenings. At the recent Industrial Exhibition, held in the Lambeth Baths, 42,000 persons, chiefly of the working classes, had paid 2*d.* for admission on week-day evenings. The Select Committee of 1860, after examining many witnesses, reported that institutions such as the British Museum and the National Gallery should be opened between the hours of 7 and 10 o'clock, at least three evenings in the week. Professor Faraday did not take the same view of the danger of lighting the British Museum with gas as that expressed by Mr. Braidwood and Captain Shaw. But if the Trustees of the British Museum thought that building not adapted for evening exhibitions, then some portions of the collection should be sent to South Kensington. This could be done without injury to the Museum itself, because there were duplicates of an immense number of the objects. This had nothing to do with the Sunday question. The House had over and over again, and, as he thought, very properly, decided against the national institutions being opened on Sundays. He hoped the hon. Gentleman (Mr. Allen) would take the sense of the House on the question.

MR. T. BARING said, he thought the Trustees of the national institutions were as anxious as the promoters of the Motion to give the public all possible advantages of the National Collections. As a Trustee of the National Gallery, he might observe that the powers conferred on his colleagues and himself were small and limited; but there was one thing specially incumbent on them—namely, to take every care of the collection intrusted to their charge. The Trustees of the National Gallery were unanimously anxious to avoid even the slightest risk of danger to the treasures in their charge; and there were two dangers of which they were naturally apprehensive—the first was that of the destruction of the building and its contents by fire; and the second was damage to the pictures from the lighting up of the building with gas. The experiment at South Kensington had not been tried long enough to be decisive of the question whether gas-lighting deteriorated pictures and works of art. This was the first time he ever heard, as had now been stated on the authority of Mr. Cole, that gas improved them. The question, however, was whether the long and constant employment of gas-lights might not greatly affect the pictures, and of this, he was not competent to judge.

Anyone who examined the present National Gallery must be convinced that it could not be lighted up without great risk of fire. What had been said about the British Museum applied thoroughly to the National Gallery, with this difference—that some things in the Museum which were saved from fire would not be destroyed by water, while the water used to extinguish a fire would be as injurious to pictures as fire itself. On these grounds, the trustees of the National Gallery had the greatest objection to lighting up the present building. Whether a new building might be lighted up with gas, was a question to be decided by the Government of the day, or those who were in charge of it, for when it was erected sufficient precautions might be taken to guard against the risk of fire and the damage of the pictures from ordinary lighting. The hon. Member (Mr. Allen) spoke of bringing the people to the building by the thousands; but even that in itself might be attended with injury to the pictures in the absence of proper arrangements for ventilation. Everyone who took an interest in the progress of art valued so much the pictures we now possessed as to desire that they should be kept out of the shadow of danger, and that no experiment should be made which would jeopardize them. The hon. Gentleman must feel that, until some precautions were taken which could be taken only in a reconstructed building, it would be unwise to attempt to light up our National Gallery.

Mr. W. H. GREGORY said, the Motion of the hon. Gentleman (Mr. Allen) was clearly intended as an alternative proposal to the opening of the British Museum and the National Gallery on Sundays. Even so, he, as a Trustee of the National Gallery, would gladly assist the hon. Gentleman in his object, were it only possible to effect it; because he felt certain that the interest which would be created among the working classes, by their becoming acquainted with the noble national collections of art and science, would render them less tolerant of that legislation which closed those galleries to them on the only day in the week when men have rested from their toil. But, unfortunately, it could not be effected. It was no fault of the Trustees. These treasures of art were such that, if destroyed, they could never be replaced —an insurance representing ten times their cost price could not replace them —for they were unique; and their loss would be an irreparable blow not merely to England, but to the civilization of the world—just such a blow as the world had received recently by the accidental burning of the famous Peter Martyr, of Titian, at Venice. At present the structure of the National Gallery was totally unfitted for being lit up by gas; and even were it so fitted, he (Mr. W. H. Gregory) would still shrink from the responsibility of what a slight act of omission, or neglect, might bring with it; to say nothing of the damage which might arise even without an accident. All the arguments applicable and applied by the right hon. Member for Cambridge University (Mr. Walpole) to the British Museum, were still more applicable to the National Gallery. The Trustees of the National Gallery were most desirous to popularize the collections of which they had charge, and to give every accommodation to the public; but the construction of the Gallery would render lighting most dangerous. The hon. Member for Perth (Mr. Kinnaird) referred to Kensington, and said he hoped that, as Kensington was lit up at night, a portion of the Natural History Collections of the British Museum would be removed there for exhibition. He (Mr. W. H. Gregory) hoped, on the contrary, that the New Museum of Natural History, so long promised by successive Governments, would be undertaken at once, in accordance with the unanimous recommendations of the Committee of 1869; and, if so, there was nothing to prevent the architect from making arrangements for the lighting up of a portion of it. Then, as to the Galleries at Kensington—alluded to by the Mover and the hon. Member for Perth (Mr. Kinnaird)—there was the greatest difference between the picture galleries of Kensington and the picture galleries of Trafalgar Square. The Galleries at Kensington were narrower, lower, and more accessible to light. The pictures, too, at Kensington were modern, far brighter in colour, and consequently more easily lighted up than the older pictures at Trafalgar Square. The tone of ancient pictures was generally low, and absorbed much light. Anyone who was in the habit of lighting up ancient pictures in his own house was aware that to see these pictures well the light must be approached to them, or they to the light; but in bringing the light close arises the risk of heating, of desiccation, and consequently of irretrievable ruin. If pictures were to be lit up with safety and efficiency means should be taken to provide a copious supply of light; but it should come from outside the room—that is, if the lighting were to be constant. Of course, were it only to be done very rarely, the risk would be comparatively little, as at the Royal Academy at present. But it was idle to enter into these matters and to argue on what was impossible, for unless the rooms at Trafalgar Square were altered, and that at a large expense, lighting would be impossible. The hon. Member who moved the Resolution quoted the recommendations of the Select Committee on Public Institutions, which sat in 1860, as justifying his proposal. But the Committee distinctly laid down the principle "that proper precautions against fire should be taken;" and one of the first precautions insisted on by Professor Faraday was "that the roofs of galleries, which may be lighted by gas, should be of iron"—and he distinctly stated "he would hesitate to recommend lighting in the British Museum," and *à fortiori* in the National Gallery. *A fortiori*, because not only was there even a greater danger from fire there, but because, as Professors Hoffman Tyndall, and Faraday, in their Report on lighting pictures by gas, state—

> "That London gas has not been cleared of sulphide of carbon, which it is not safe to permit to come into contact with pictures painted in oil or other colours."

But, as the right hon. Member for Cambridge University (Mr. Walpole) had rightly pointed out, the real evidence which came home to every one was that of the experienced Chief of the Fire Brigade—Mr. Braidwood—who, after speaking of the desiccation and discolouring caused by the fumes of gas and of the danger of explosion wherever it is used, sums up by giving his deliberate opinion thus—

> "I believe the risk to be such that, on no consideration, should a building intended to last for ages, and containing such invaluable property, be subjected to it."

After such evidence as this he would, indeed, be a bold man who would take the risk of advising gas lights for those galleries. If proper structural arrangements were made—as he hoped they shortly would be—in the National Gallery, he thought it would not be impracticable to open a room or two at night for the exhibition of drawings. Still, there was something to be said on the subject of locality. There was not much objection, on the ground of locality, to evening openings at the British Museum; but the National Gallery being just over barracks, where a large number of soldiers were collected, and where the neighbourhood was far from select, the consequence of nightly openings might easily be conceived. The hon. Member who moved the Resolution expatiated on the cheapness with which his proposal could be effected. The National Gallery would only cost £4,000; the British Museum £6,000 a year for lighting up. But as cheapness seemed so important, it was well it should be known that for Sunday opening the National Gallery would cost £150, and the British Museum £250. The hon. Gentleman talked of bringing the working classes to higher and purer pleasures than the public-house; but if he was in earnest in that expression, let him join in opening these galleries on the only day when those who had been toiling all the week could really enjoy them. In Dublin, last year, where the people had insisted on having their institutions open on Sunday, there were 118,942 visitors to the National Gallery, and of these 28,200 went on Sunday. The Director had written to him to this effect—

> "The visitors on Sundays are almost exclusively of the working classes, and they are generally remarkable for the care and interest with which they examine the pictures, and for their quiet and orderly conduct while in the Gallery."

Such were the results in Dublin; and he hoped that if the hon. Member's conscience could stand galleries being open on Sunday at Hampton Court, it would not be shocked by a similar latitude being sanctioned in Bloomsbury and Trafalgar Square. He trusted the hon. Member would not press his Motion to a division.

Mr. BERESFORD HOPE trusted the hon. Member for Newcastle-under-Lyne would be satisfied with the discussion, and would not press a Motion which could only be productive of negative results. Such institutions as the National Gallery and the British Musum were places for the deposit of unique works of art, which, if destroyed, could never be replaced; and, therefore, much as he desired to give every facility for their being seen, he thought there ought not to be any danger of their destruction. The House ought to be satisfied with the risk run at South Kensington Museum, the loss of which would be irreparable. Having recently gone over the National Gallery, he was alarmed at the dangerous condition and position of that building; and was convinced that there would be great danger in adopting gas burners there, for the roof had been built without any such idea on the part of the architects; and, as far as it had gone, the debate had fully shown how strong were the arguments against the proposition before the House.

Sir WILLIAM TITE said, that the question before the House was not as to the opening of the National Gallery or the British Museum on Sundays, but whether those buildings could be opened with safety at night—a result which he was of opinion was quite impossible. Those buildings were constructed, before the fire-proof principle was understood, and when but little was known of the practical introduction of wrought iron; the roofs of these buildings were of ordinary construction, and not calculated to bear the great heat which would be produced by gas being lighted under them every night. With regard to the effects of gas products, he had in his own house done everything he could to prevent the fumes from penetrating into his library, but he had failed; and the same result had occurred at the London Institution, where books had been almost entirely destroyed. Notwithstanding all that had been done to absorb or abstract gas products, it would be quite impossible to introduce gas into the present National Gallery with safety. He differed from the opinion expressed by Mr. Cole as to gas-lighting, and could point to a picture, by Mr. Howard, which he (Sir William Tite) presented to the South Kensington Museum, that was cracked in all directions, and how it was to be repaired he could not imagine. He believed the action of gas upon pictures to be very mischievous, and suggested that time should be given for further consideration before an experiment was made upon national treasures, which were of inestimable value, and could not be replaced. He did not entertain the opinion that it was very important to open these institutions at night, because the working classes could see them at Easter and on other holidays; but with regard to the British Museum more particularly, he was sure that to open it at night would be much more dangerous to the contents than advantageous to the public.

The CHANCELLOR of the EXCHEQUER said, he was sure that the House cordially sympathized with the hon. Gentleman (Mr. Allen) in the object he had in view, and it would be a great pleasure to all of them if they could carry out that object without a danger which would counterbalance the advantage to be gained. As a Trustee of the British Museum, however, he felt bound to say that, in his opinion, it would be a most dangerous thing to light up that institution by night. No one could say what might be the effect of gas-burners there. Both at the British Museum and at the National Gallery there were things which, as they hoped, would exist hundreds, nay, thousands of years. The effect of gas, continued for years in either place, might be most deleterious. All observation and modern science pointed in that direction, and therefore we ought not rashly to generalize and suppose that, because hitherto no such effects had been seen at South Kensington, the same results would not follow there as elsewhere after such a system of lighting had continued for 100 years. It should also be remembered that science was advancing very rapidly, and difficulties which seemed insuperable in these matters to-day might, if we waited patiently for a few years, be met and overcome. On this point he would read to the House an extract from the Report of the late Professor Faraday, who said—

> "I am very strongly against the common practice of erecting a church or other building by one set of hands under one mind, and then giving it over to another authority and set for the introduction of gas apparatus and pipes, or pipes of hot air or water (frequently at high temperatures and pressures), into parts and places where no intention respecting them had existed before, where no preparation had been made for them, and where the final arrangements must partake more of accident and risk than of premeditation and forethought."

That was exactly the case here with buildings which were not constructed with a view to gas, and which would, therefore, be exposed to a formidable and unknown risk under any such system of lighting. Professor Faraday's remark applied strongly to the British Museum, and perhaps still more strongly to the National Gallery, which had a wooden roof. That being so, he would not dwell on the risk of fire, which was not to be contemplated without absolute horror, because the loss to the human race by the burning of the British Museum no words could express and no money could compensate. The blow to human knowledge and progress would be absolutely incalculable; and the House must therefore see that it would be very unwise to attempt any plan of gas lighting in the existing buildings. But the House was aware that considerable quantities of land had been purchased behind the National Gallery, on which sooner or later—and he hoped rather sooner than later—new galleries would have to be erected. It was not for him to presume to judge whether these galleries could be put up so as to exhibit pictures at night; but the subject would be most carefully and minutely considered, and, if it were possible, he could not doubt that the Government of the day, whatever that Government might be, would be only too happy to make suitable buildings. He hoped the hon. Gentleman would take this statement into consideration as affording, not an immediate, but a proximate hope that something might be done. It was impossible to say absolutely that it could be done, because even there he should be against incurring the risk of destroying these valuable pictures, even for so good an object as that contemplated by the hon. Member. As to the British Museum he could speak with somewhat greater confidence. It had long been decided that the Natural History Collections there should be separated from the rest of the contents. Of course the working classes might find some pleasure in seeing the Antiquities; but the objects which would naturally interest them the most would be those which dealt with the works of nature rather than the works of man—the Ethnological, the Mineralogical, and Natural History Collections; because everybody knew that, in order to enjoy works of high art, particularly Antiquities, there was required a cultivation of the eye and the taste involving more previous study than could be expected from the average working man. The removal of this collection from the British Museum to some other site was a crying necessity; and it was not impossible that he might be able to make some proposal to the House on this subject during the present Session. At any rate, new buildings were to be put up, and if this could be done without any danger or inconvenience, they would be lighted with gas and thrown open in the evening for the use and amusement of the working classes. Of course no one could say that the risk of fire would not be increased; but lions and crocodiles might be replaced, while objects of art and antiquities could not be. As so much assent had been given by the House to the principle laid down by the hon. Gentleman, and as he (the Chancellor of the Exchequer) had been able to hold out some not very distant prospect of in some degree realizing his wishes, probably the hon. Gentleman would not think it necessary to press his Motion.

MR. ALDERMAN W. LAWRENCE said, he would suggest, in reference to what had been said by the right hon. Gentleman opposite (Mr. Walpole), that during the six weeks including the longest days in the year the working classes should have the opportunity of visiting the Museum six, or, at all events four, evenings in the week.

Amendment, by leave, *withdrawn.*

ILLEGAL LOTTERIES.

OBSERVATIONS.

MR. CHARLEY rose, according to Notice, to call the attention of the House to the question of illegal lotteries. The first lottery established in England for public purposes was in 1569, and the money thus raised was applied to the repair of certain harbours. Lotteries for various private purposes were authorized subsequently, until the passion for this species of gaming rose to such a height, that, in 1699, a statute was passed, "for suppressing of Lotteries," whereby they were declared public nuisances, and the penalty of £500 was inflicted on the persons who should keep any lottery open; and this was followed by a series of statutes in the reign of Queen Anne, and in the subsequent reigns. State lotteries, however, continued to be authorized by law, and down to 1826 the statute book was crowded with Acts, authorizing the raising of money "for the service of His Majesty," by this means. In 1808, however, a Committee reported most strongly against the consequences which resulted from the speculation to which they gave rise. They said that numerous families were ruined by this species of gambling and their members reduced to destitution, whereby trade was greatly injured and the poor rates greatly increased; while, at the same time, there was no mode of raising money for the State which was so burdensome, pernicious, and unproductive. The practice, however, still continued. The last statute by which money was authorized to be raised for the public service by way of lottery was the 4 *Geo.* IV. c. 60, by the 19th section of which it is recited that "whereas it may be expedient to discontinue raising money for the public service by way of lottery after the sale of tickets authorized by this Act;" and subsequent sections provide for the termination of the system on the expiry of three years from the passing of the Act. Virtually by this statute public lotteries were abolished. Whilst, however, State lotteries had thus been sanctioned, the Legislature had endeavoured to suppress all other kinds of lotteries, and from 1699 to 1845 various statutes were passed for their suppression. They were declared illegal, and the prohibition was attempted to be enforced by the infliction of heavy penalties upon the promoters, which were assigned in varying proportions between the informers and the Crown, or by indictment of the projectors as rogues and vagabonds. By the earlier statutes any person was able to institute proceedings; but by the 42 *Geo.* III., while any person was still at liberty to proceed by indictment, the consent of the Attorney General was necessary to proceedings whereby any pecuniary penalty was sought to be recovered. By the statute 6 & 7 *Will.* IV., entitled "An Act to prevent the advertising of Foreign and other illegal Lotteries," it was recited that, whereas the laws in force were insufficient to prevent the advertising of foreign and other illegal lotteries, it was enacted that no person should advertise such lotteries under penalty of £50, which might be sued for by any person, one-half of which were to go to the informer, and the other half to the Crown. This Act gave rise to vexatious proceedings by informers against printers and others, who had unwittingly violated the statute; and a Bill was introduced in 1845 (8 & 9 *Vict.* c. 74), by which all such actions then pending were summarily stopped, and it was enacted that thereafter all penalties under the former statute should be sued for in the name of the Attorney or Solicitor General in England and Ireland, or of the Lord Advocate in Scotland, and that the whole penalties should go to Her Majesty. That was the present state of the law. When this statute was passing through Parliament, no debate took place upon it in the House of Commons; but in the House of Lords there were brief discussions on the second and third readings, in the course of which Lord Derby, who had charge of the Bill, assured Lord Monteagle that the statute was not intended to remain a dead letter. To a certain extent that undertaking had been carried out. In Scotland he believed there had been no complaint of any infraction of the law; and in England proceedings had been occasionally instituted; and in the present year persons had been indicted and convicted at the Central Criminal Court, and sentenced to fine and imprisonment. Now, under these circumstances, he might be asked, what was the complaint he had to make? From a correspondence entered into by the secretary of the Scottish Reformation Society with the First Lord of the Treasury and the right hon. Gentleman at the head of the Home Office, he found that it was complained that while, on the one hand, an endeavour was made to enforce the law with regard to other kinds of lotteries, no attempt was made to do so in the case of Roman Catholic lotteries. That was the charge which was brought against the Government, and it was one which he thought was worthy the consideration of the House. In the course of the correspondence to which he was referring, mention was made of Irish lotteries, and the Secretary of State for the Home Department, in a letter addressed to the secretary of the Scottish Reformation Society, directed him to apply to the Irish Office with reference to those lotteries. Three letters were accordingly addressed by the secretary of the Scottish Reformation Society to the Chief Secretary for Ireland on the subject; but to those letters no reply whatever was received—so that the right hon. Gentleman had acted towards the writer in a manner which could hardly be regarded as courteous. He had put Questions both to the Chief Secretary and to the Secretary for the Home Department in relation to these lotteries, and the replies which had been given to those Questions were, in his opinion, highly unsatisfactory. The Chief Secretary for Ireland seemed to think that the Roman Catholic lotteries were not at all illegal; while it appeared to be the opinion of the Secretary of State for the Home Department that, though illegal, they did not deserve to be prosecuted. In his reply the right hon. Gentleman said that these lotteries were like raffles held at bazaars; but there was a very wide difference between raffles at bazaars held for charitable purposes, and lotteries where the tickets were sold publicly, and commissions or allowances paid to those who could dispose of large quantities: but the question was not whether raffles at charitable bazaars were or were not illegal—it was certain that these Roman Catholic lotteries were illegal. Again, those lottery tickets were circulated under false pretences. It was impossible to ascertain from them that the lottery was for the benefit of Roman Catholic institutions. The word "Catholic," at all events, was not to be found on any of the tickets which had come under his notice. Again, these tickets held out a pretence that the lotteries were connected with the system of Art Unions, and it was thus endeavoured to persuade the public that they were perfectly legal under the Act of 1845. Now, it was by no means his intention to attack Art Unions; but he would remind the House that the late Sir Robert Peel expressed his dissatisfaction at Art Unions being legalized, and stated his opinion, since cited with approval by the Committee which investigated the subject in 1866, that, while the promoters of Art Unions supposed they were the promoters of art, they were in reality the promoters of gambling, and that, instead of elevating the public taste they had rather tended to lower it, while they had conferred very little benefit indeed on artists. His present object, however, was merely to show that these Roman Catholic lotteries did not come within the exemption in favour of Art Unions. In the first place, an Art Union could not draw a lottery without the sanction of the Board of Trade, or, as an alternative, it must be incorporated by Royal Charter. Neither of these conditions, he presumed, would be found to exist in the case of these Roman Catholic lotteries. Again, the Act sanctioned no lotteries, unless they were for the distribution of drawings, paintings, and works of art exclusively; but certainly some of the prizes in Roman Catholic lotteries did not come within that category. He held in his hand a ticket connected with a lottery in support of St. Clare's Female Orphanage, Harold's Cross, Dublin, which the Lord Lieutenant had refused to suppress, although his attention had been drawn to it. Among the prizes enumerated were—"a hamper of the best wine," "a chest of black tea, containing 40lb.," "a case of the best brandy," and "a barrel of the best sugar." These, certainly, were not works of art. Then, among the prizes in the lottery in support of St. Joseph's Orphanage, Mountjoy Street, Dublin, were—"a highly bred pony," "a hamper of wine," "a hamper containing a turkey," "a loaf of sugar," and "a gallon of Irish whisky." In another case it was announced that among the prizes there would be—"a pretty old cottage, freehold, value £75," "a stone-built cottage," and "a cottage and home for ever, with a little garden." These, again, were certainly not works of art. The stone cottage, he might remark, was situate at Brailes, in Warwickshire, and it was added that it would give a vote for the county: the winner of the prize might, therefore, have a voice in the return of the hon. Member for North Warwickshire (Mr. Newdegate). The vicar of Brailes stated that these cottages had been raffled for and put in lotteries more than once. That seemed to be a dishonest practice, and it was very strange that these cottages should always find their way back into the hands of the promoters of lotteries. With regard to the Roman Catholic Poor Schools in Homer Row, Marylebone, the secretary of the Scottish Reformation Society had drawn the attention of the Home Secretary to the illegal character of the lottery that was set on foot for the promotion of those schools, and had received a reply in the following terms:—

> "Whitehall, Feb. 14.
>
> "Sir,—With reference to your letter of the 11th instant, I am directed by Mr. Secretary Bruce to inform you that, in regard to the Homer Row Poor Schools' lottery, the Solicitor to the Treasury has been already instructed to take steps to prevent it. I am, &c., A. F. O. Liddell."

Notwithstanding this intimation, the lottery continued to be advertised, and the Secretary of State for the Home Department, on being subsequently questioned in the House, said he would consider the matter, but rather thought a prosecution would not be necessary. This lottery had not yet been drawn, but had been postponed from the 7th of April to the 6th of June, and he hoped it would be prevented by the Government. Persons purchased tickets who had no interest whatever in the object for which those lotteries were got up, and it was clear, therefore, that they were actuated by a desire for gain and the spirit of gambling. The effect of the action taken by the Lord Advocate in Scotland was that the illegal traffic had been stopped in that part of the kingdom, and a Roman Catholic Orphanage near Lanark, which cost upwards of £8,000, and was established chiefly by lotteries, admitted, in its report for 1869, that this hitherto proved resource had been put an end to. He asked the Government, therefore, either to enforce the law in England or to allow others to enforce it. It might be necessary to consolidate and amend the law, for there were no fewer than 12 Acts in force with regard to illegal lotteries; but if the Government thought the present law sufficient let them put it in force. If it were desirable to alter the law, and the Government did not think proper to introduce a Bill for that purpose, humble individual as he was, he would nevertheless be prepared to introduce a measure on the subject. He left the case in the hands of the House, feeling persuaded that it was their desire to secure an impartial administration of the law, and fair play and justices to all classes of Her Majesty's subjects.

Mr. BRUCE said, that, as to the moral character of lotteries in general, he quite concurred with the hon. Gentleman (Mr. Charley); and in every case where it had been shown that the effect of these lotteries was to deteriorate the public morals, the action of the Home Office had manifested the disapproval of the Government, and their efforts in many instances had been attended with success. As far as he understood the complaint of the hon. Gentleman, it was to the effect that the Home Office did not exercise the power which it possessed of instituting proceedings against these illegal lotteries indiscriminately, and without exercising that discretion which he maintained that it could properly exercise as to the objects of prosecution. The hon. Gentleman did not pretend to say that, in the ordinary cases of illegal lotteries, where the object was speculative gain, the action of the Government had not been steadily exercised; what he said was that, in some cases where the object of the lottery was to forward some useful or religious object, the action of the Home Office had not been equally resolute and severe. He (Mr. Bruce) might say that the practice had been, without exception, to communicate with the promoters of the lottery, pointing out to them that, however meritorious the object, the proceeding itself was illegal, and subjected them to prosecution; and, within his experience, he had never known an instance—and he had inquired, with a similar result, as to the experience of those long connected with the Department—in which such interference had failed in attaining the object in view. He was happy to say that it had never been found necessary to institute proceedings against lotteries the objects of which in themselves were good. And he doubted very much whether the more direct interference of the Executive would have been approved by Parliament in cases where the lottery was proposed for some directly charitable and religious object. The hon. Gentleman said, with great exultation, that the action of the Executive in Scotland had been more vigorous, and that under it a Roman Catholic orphanage in Lanarkshire, which had cost upwards of £8,000, and was established and maintained chiefly by these illegal means, had been deprived of its revenues. For his part, he (Mr. Bruce) thought the injury thereby inflicted on Roman Catholic orphans was much greater than any advantage derived from the suppression of lotteries held for their support. Lotteries, as they knew, were got up for very different purposes; in the administration, therefore, of the Acts for their suppression the Government ought to exercise a discrimination. If they were to put the law in force with equal severity against lotteries set on foot for pious and charitable objects, as against those demoralizing schemes of which the object was to make money by gambling, they would simply be making these Acts unpopular, and probably producing a strong reaction. He quite admitted that some of these Roman Catholic lotteries were conducted in a manner that had a tendency to promote a spirit of gambling; and in such cases, where they were brought under the notice of the Government, he thought it would be their duty to enforce the law; but he did not think it was the duty of the Government to take the same steps which they would do if the more immediate object of the lotteries were gambling, instead of the promotion of charitable objects. That was the spirit in which the Executive had acted upon all occasions up to that time; and he could not think that the House would deem the course which they had pursued an improper one. As to Ireland, the Executive there had judged for itself. In Scotland he knew that the Lord Advocate had been called upon to interfere with respect to some of these lotteries, and had brought down upon himself the ill word of the Scottish Reformation Society, because, in certain cases, he refused to deal with them on the ground that having originated in Ireland they must be dealt with by the authorities in that country. For the same reason he (Mr. Bruce) referred the matter to the Chief Secretary for Ireland, as the matter was one in which the Home Office had no power to interfere. That was the mode in which the Government had acted, and he thought the House would see that their course had been governed by a sound discretion.

IRISH LAND BILL—[Bill 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

COMMITTEE. [*Progress 5th May.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 4 (Compensation in respect of improvements).

Mr. PIM moved the Amendments of which he had given Notice—in page 5, line 33, after "contract," to insert "unless the Court decides that he ought on special grounds to be so entitled;" and to leave out sub-section (3).

Mr. Chichester Fortescue and Dr. Ball opposing the Amendments, they were *withdrawn.*

Dr. BALL said, he rose to move an Amendment placed on the Paper by the hon. Baronet the Member for West Essex (Sir Henry Selwin-Ibbetson); but he did not wish to revive the question already decided as regarded the future, and he therefore would propose some variation in the wording of the Amendment to confine its operation to the past. He found that the number of leases for terms between 21 and 31 years was about 22,000, the number for lives was 28,000, and the number for lives or years was about 30,000. Under these circumstances, it would be grossly unjust that the leaseholders for 31 years should be dealt with differently from holders of leases for lives, which had extended in actual duration to the very period fixed upon by the Government. He therefore proposed that the exemption under this clause as regarded the past should extend not merely to cases of 31 years' leases, but also to cases of lives where the tenure had continued during 31 years. With this Amendment, if the life died before the end of 31 years, the landlord would have to pay for improvements; but if the life lasted for 31 years, the unexcepted improvements would be presumed to have been exhausted. He moved, therefore, in page 5, line 36, after "thirty-one years," to insert—

> "Or in the case of leases made before the passing of this Act for a term of a life or lives with or without a concurrent term of years, and which shall have existed for thirty-one years before the making of the claim."

Mr. CHICHESTER FORTESCUE said, he thought the right hon. and learned Gentleman had hit upon a case of omission in the Bill with respect to the past. He would at once accept the Amendment, if the right hon. and learned Gentleman would consent that the Amendment would read, "a term of lives," instead of "a term of a life or lives;" because the ordinary equivalent for 31 years' leases in Ireland was three lives.

Amendment, as amended, *agreed to.*

Mr. PIM moved in sub-section 4 to leave out "upon such terms as the Court may deem reasonable," and insert "as hereinafter provided for." The object of his Amendment, as carried out by words he intended to propose hereafter, was to lay down specific rules in the statute, by which the terms imposed by the landlord in giving permission to the tenant to sell his interest in the improvements should be adjudged reasonable or unreasonable, instead of leaving it to the discretion of the Court.

Mr. CHICHESTER FORTESCUE thought the dangers which his hon. Friend anticipated were purely imaginary, and opposed the Amendment.

Amendment *negatived.*

Other Amendments moved, and *negatived.*

Dr. BALL said, his right hon. Friend the Member for Buckinghamshire had given Notice to propose in page 6, line 22, after "claim," to insert "for improvements effected before the passing of this Act." Doubts were expressed by his right hon. Friend on the second reading on this subject, and he had given Notice of similar Amendments on the 2nd, 3rd, and 4th clauses. The propriety of bringing forward the subject was now under consideration. It was not intended to move the proviso at present; but it might he expedient to propose these Amendments on the Report.

Colonel BARTTELOT said, he wished to know whether, in the case of leases under this clause, it would be both retrospective and prospective; and, if so, whether the case he put last night would come under this Bill?

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, that the observations he made on the case put last night were equally applicable tonight.

Clause, as amended, *agreed to,* and *ordered* to stand part of the Bill.

Clause 5 (Presumption in respect of improvements).

Mr. PLUNKET said, that although he attached great importance to the Amendments proposed to be made in this clause by the Chief Secretary for Ireland, he and others felt bound, in the absence of the hon. and learned Member for Richmond (Sir Roundell Palmer), to press the Amendment which stood in the hon. and learned Gentleman's name—namely, after "holding," to insert "under a tenancy created after the passing of this Act." The effect of the clause as it stood would be that whenever a case was about to be tried in which a tenant claimed compensation for improvements, which he asserted he had added to the value of the property, as soon as he had proved that an amelioration had taken place the law would presume that this improvement and every part of it had been made by the tenant. The Court would then be bound to give him the full value of that improvement, and to conclude that all the necessary money had been paid and all the materials provided by the tenant. The clause comprehended improvements made both before and after the passing of the Act, and the object of the Amendment of the hon. and learned Member for Richmond was to separate the operation of the clause in regard to the future and the past. With regard to the improvements made after the passing of the Act, the question mainly involved political considerations. As regarded the past, the effect of that section, even as it would be modified by the Amendments of the Chief Secretary for Ireland, would, as far as it had any operation, be very injurious and very unjust, and that towards the very class of landlords who, in their dealings with their humbler tenantry, had been liberal, open-handed, andunsuspicious, and who had taken no trouble to preserve any record of the assistance they had given. The main arguments used in support of that clause had been put forward by the right hon. Gentleman at the head of the Government and also by the Chief Secretary for Ireland. When he introduced the Bill to the House the right hon. Gentleman (Mr. Gladstone), speaking of that part of the measure, said that what they proposed to do was—

> "To reverse the presumption of the present law; that the law as it stood absolutely gave the improvements to the landlord, and presumed them to have been his work."—[3 *Hansard,* cxcix, 374.]

That statement was founded on a slight misapprehension. The right hon. Gentleman had dealt with the subject as if there existed in law a presumption of evidence in favour of the landlord; but there was nothing of the kind, and it was impossible to reverse what did not exist. Again, it had been argued by others that as in England, where the improvements were generally made by the landlord, the presumption of evidence was with him; so in Ireland, where the improvements were generally made by the tenant, the presumption of evidence should be with the tenant. There was, of course, a maxim in the law of real property, both in England and Ireland, which gave the landlord the improvements on his land; but what the Government had done was not to reverse that maxim. That was what no Government would dare to propose, for it would be to make it not a question of evidence as to who made the improvements, but to hand over the value of them to the tenant, no matter who had made them. There was, therefore, no inference to be drawn *é converso*. The right hon. Gentleman (Mr. Gladstone) had further urged, and with plausibility, that the Government proposed to cast the burden of proof on him who was best able to bear it; and the Chief Secretary had explained that they threw the onus of proof on "the stronger party," who, in that instance, the Chief Secretary said, was the landlord. That was exactly the question to be considered, and it was for the Committee to say, after due discussion of the point, whether for that particular purpose, as to the claim for improvements made before the passing of the Act, the landlord was really the stronger party. The landlord was, of course, the stronger party in the sense that he was stronger in wealth, in intelligence, in education and in station, and that he had agents and books, where such had been kept to refer to—all which might be reasons for making the presumption to be against him in future. But, as to the past, the question was, which party was the stronger in respect to the possession of evidence. The landlord had been encouraged by the existing law to discard documentary proof, and would have no such evidence as he could bring into Court to rebut the proposed presumption. For the meaning of the presumption being in favour of the tenant was, that the Court should presume that there had been a case, most complete, most cogent and coercive, made for him, and unless the landlord could produce full and formal proof to overthrow that case the presumption in favour of the tenant must prevail. What would be the position of the landlord under this clause even after the Amendments of the Chief Secretary had been adopted? The object of the Amendments proposed by the Chief Secretary was to exclude from the operation of that presumption of law certain classes of cases in which compensation was claimed in respect of improvements made before the passing of that Act. The first of those classes of cases was, where such improvements had been made previous to the time at which the holding in reference to which the tenant claimed had been conveyed on actual sale to the landlord, or those through whom he derived his title. Obviously, the object of that Amendment was to meet the glaring injustice that would otherwise arise owing to a large portion—one-sixth—of the landed property of Ireland having changed hands within the last 20 years in the Landed Estates Court, with that change of hands all possibility of getting evidence, to rebut the presumption in favour of the tenant, having in nine cases out of 10 gone from the landlord. The Amendment, no doubt, met the case of purchasers; but while it prevented one glaring injustice, it admitted the whole principle for which he contended, ; for how could they distinguish between the instance of a landlord who had bought the land and been thus deprived of the possibility of rebutting the presumption in favour of the tenant, and the analogous case in which the landlord's agent had been changed or was dead? He, however, thankfully accepted that part of the Amendment of the Chief Secretary. The second part excepted claims made by tenants under lease; and the third excepted improvements made 20 years or upwards before the passing of the Act. That was a very fair Amendment; but he thought it gave up the strongest ground on which that section could possibly have been defended. For it might, perhaps, have been argued that, in instances where the date of the improvement was remote, and neither party could adduce legal proof, the landlord would, in the absence of the presumption of evidence, get all by force of the maxim of law. The fourth and last part of the Chief Secretary's Amendment excepted cases in which the holding was of more than £100 of annual value. And there again, although he was very glad to have the Amendment, he must say it exactly covered the class of cases in which it was least wanted; for in that class of large holdings the improvements made by the landlord were generally of a very palpable character, such as houses, buildings, main drainage, and the like, which could be easily seen and recollected, and some trace of which might possibly be found in the records of the estate. But where the landlord was the proprietor of acres occupied by a number of small tenants the injustice of the section would be very great; and especially if he had been kind and unsuspicious. Year after year he would probably have given slate, timber, and other materials to his tenants, who, coming to him with a poor mouth, asked him to do so. In those cases, and they were very numerous, the tenant contributed only his labour to the improvements. He thought the tenant should be remunerated for that labour, if he had not enjoyed the fruits of it while in occupation; but, on the other hand, he did nothink the landlord should be made to pay for what he had himself contributed. In 99 cases out of 100 no account had been kept of such contributions of materials, and the landlord would have very great difficulty in meeting the claim of the tenant. In what position would the landlord be when he came into Court? The tenant having shown on the testimony of his friends that the improvements did not exist at the time covered by the provision proposed by the Government, he might remain with closed lips. Then the landlord came to prove his case. He asked hon. Members, who knew Ireland, how far could the Irish tenantry generally be expected to prove a case for Irish landlords? There were, in ordinary cases, two ways of meeting a claim if it were not founded in fairness. You might either bring forward contradictory evidence or cross-examine the claimant; but the effect of this 5th section would be, in many instances, to deprive you of cross-examination. He objected to the proposal of the Government, because it was not necessary, and also because it was not just. The true principle of the law of evidence to be applied to his argument was, that, whenever the subject-matter to be proved lay peculiarly within the knowledge of one of the parties rather than within that of the other, that such subject-matter should be proved by the party having that peculiar knowledge of it. Now, the history of those small improvements was not likely to be within the recollection of the landlord. His attention was not concentrated on any one farm, and he had other interests to engage it. But the tenant who was *adscriptus glebæ* watched everything that was done to a hedge or a ditch on his small patch of land. These things constituted the history of his unfortunate and circumscribed life, and they were recorded on his mind. The provision was unjust to the landlord, because it was retrospective; and past custom and established law had not only afforded him an excuse for not keeping any record of his contributions to improvements, but had invited him to disregard doing so. The apprehensions to which the expectation of a Land Bill had given rise prevented English capitalists from lending money to Irish proprietors. Persons justly thought there would be no security for money on land which was covered with small tenants, who might fight their landlord over every hedge and ditch with the advantage of having this presumption of law in their favour. The clause would be injurious to the tenantry also, because it would act as an incitement to them to bring forward unfounded claims. It was an invitation to them to press unjust demands freed from the penalties of perjury; for their claims would, in many instances, not involve the sanction of an oath. The clause would hold out inducements to the tenantry to indulge in just that kind of litigation which must produce discord and bitterness between them and their landlords. The hon. and learned Member concluded by moving his Amendment.

Amendment proposed,

In page 6, line 36, after the word "holding," to insert the words "under a tenancy created after the passing of this Act."—(*Mr. Plunket.*)

Mr. MAGUIRE said, he believed that the want of a settlement of the Irish land question, and not the apprehension of a Land Bill, had made persons reluctant to advance money on Irish property; but he was not one of those who thought that the introduction of English money was a great desideratum for Ireland. There was a great deal of money laid up in Ireland. The hon. and learned Gentleman who had just sat down assumed that the perjury of the Irish tenant would prevent justice being done to the landlord; and the hon. and learned Gentleman also assumed that so much of the land of Ireland had changed hands that all record of improvements by landlords had passed away. Now, the fact was only one-seventh or one eighth of the land of Ireland had changed hands [Mr. PLUNKET: I said one-sixth], so that the difficulty the hon. and learned Member had assumed did not exist. It was idle to say that the landlord was at a disadvantage as compared with the tenant in the matter of records, for, while the tenants were comparatively uneducated, the landlords were rich and intelligent, and most of the landlords, through their agents or sub-agents, kept books in which every transaction was entered, and which could be produced in Court; so that, if an improvement had been made by the landlord, or with the assistance of the landlord, the fact was susceptible of proof. He could not understand what his hon. and learned Friend meant by saying that if a claim were made by the tenant, the tenant was not liable to cross-examination. Any tenant would be liable to cross-examination in such a case. The Committee need, therefore, have no fear that wrong would be done by false swearing on the part of the tenant or by the want of evidence on the part of the landlord.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he hoped the Committee would not accede to the Amendment. There had been, and could be, no difficulty in understanding what was meant by the clause. Under the present state of the law the tenant from year to year had no property in his improvements when the tenancy was terminated by a notice to quit, and he knew a case in which a tenant had built, at a cost of £3,000, a house which would become the landlord's if the tenancy were terminated by the usual notice. Even under a lease the improvements of the tenant, unless they were made under a contract allowing him the benefit of them at the expiration of that lease, became the absolute property of the landlord. This was a question, not of presumption, but of property; there was no more presumption in the matter than there was in saying that a man's watch was his own. That being the state of the law, it was admitted that it required a remedy; and if the proposition of the Government were not acceded to the tenant would, to a great extent, be deprived of the advantage which it was intended to confer upon him. The Bill gave the tenant compensation, to be paid by the landlord, in respect of all improvements of the holding made by the tenant or his predecessor in title, and in that respect it put the tenant in a fair condition; but it was not intended to give the tenant anything he was not honestly entitled to, and Clause 5 only regulated the evidence by which the tenant would be able to prove his case. If there were to be any prospective limitation, the probability was that in 40 or 50 years landlords and tenants would again be in the same position that they were now, and the arguments that had been used now would be repeated. The clause, if it became law, would enact that the presumption should be in favour of the tenant, and why should it not be? He submitted that it was easier for the landlord than for the tenant to prove the expenditure incurred in making improvements. Landlord's improvements were generally made upon a large scale, and upon some sort of a predetermined plan; a landlord would have books and vouchers, which he could produce; and a landlord could have no difficulty in proving his case. Another argument in favour of the clause was that the hon. and learned Member had taken up the Amendment which had been placed on the Paper but afterwards abandoned by the hon. and learned Member for Richmond (Sir Roundell Palmer), who had carefully weighed all the clauses of the Bill, and had brought to the consideration of each a philosophic and lawyer-like mind, and that traditionary respect for the laws of property which a study of English law was calculated to engender. Further, he had the opinion of Viscount Lifford, a Conservative in politics, one of the most experienced of Irish noblemen in matters respecting land, who had stated that the difficulty of distinguishing between landlords' and tenants' improvements should be avoided by presuming that all improvements were made by the tenant unless the contrary was proved—an opinion which had been embodied in the 5th clause by the Government. To allow that presumption, he contended, was just, because it was the duty of the Legislature to protect the weak against the strong, and he deemed the landlord to be the strong party and the tenant the weak one. The clause, however, admitted exceptions, because it might happen that a landlord purchased an estate, knowing little or nothing about it, in which case the presumption would not be allowed to the tenant, whose claim would be decided according to the ordinary principles of law. He submitted that the clause as it stood, coupled with the exceptions, would be fair to both landlord and tenant, and promote a better understanding between them. With regard to the evidence that was given in Irish Courts, the style of cross-examination, which had been described, was only one of those forensic tricks to which occasionally both English and Irish lawyers had recourse, and it was hardly fair to base on that an argument against this clause. If the clause had provided that the presumption was in favour of the landlord, the tenant might still bring in his false witnesses ; but as the clause stood the landlord would be entitled to obtain the tenant's testimony, because when a tenant made a claim and alleged the presumption to be on his side, it would be in the power of the landlord to dispute it and inquire into it. And was an Irish landlord unable to protect himself in such a case ? Why the hon. and learned Member for Cork (Mr. M'Carthy Downing) could plead for a landlord as well as for a tenant, or an attorney for the landlord might call the tenant into the witness-box, and, treating him as a hostile witness, cross-examine him as to his claim ; so that after all the question resolved itself into one of evidence, and the Chairmen of the Courts before which such cases would come, were quite capable of dealing with Irish witnesses and of ascertaining on which side the truth was told. He submitted that the Committee should pass the clause, subject to the Amendments of which Notice had been given by the Chief Secretary for Ireland.

Mr. G. B. GREGORY said, the clause gave the tenant a *primâ facie* right to all improvements, and threw upon the landlord the onus of proof to the contrary, and there could be no doubt that the result would be that which had been described by his hon. and learned Friend (Mr. Plunket). A tenant would merely have to call evidence to show that buildings or other improvements had not been made 20 years before, in order to give him a right to claim for all such matters upon the landlord, who would have to pay the compensation if he could not disprove the testimony of the other side. And how was he to do that? The hon. and learned Solicitor General for Ireland said he might call the tenant; but he (Mr. Gregory) never heard of a claim being rebutted by a hostile witness. It was said, however, that a landlord might call his agent; but many cases would occur in which the agent either had no books or had lost them. The management of an estate was a series of improvements which were done by dribblets, and the cost was sometimes allowed from the rent, at others paid by the landlord, and at others by the tenant; it would therefore be impossible in half the cases that would arise for a landlord to show what improvements he had made during a period of 20 years. To a legal mind this was one of the most objectionable clauses of the Bill, because it altered the general law of evidence, which threw upon a person making a claim the onus of proving it. Here the principle was to be reversed, the only reason for it being that the landlord was supposed to be stronger than the tenant. But was this principle carried out in English jurisprudence? Was it there provided that the first issue for decision was as to who was the stronger party, and that then the onus of proofs should be thrown upon him? The provisions of this Bill would militate against the employment of English capital in Ireland. Already there was a prejudice against investments in that country, and wills and settlements were constantly drawn with provisions guarding against such investments. He feared that, under the Bill, provisions of this nature would be increased, and English capital already invested in Ireland would be withdrawn wherever this was possible.

Sir ROUNDELL PALMER said, that as he had given Notice of the Amendment now before the Committee, he thought it right to explain the view he took of the position in which they were placed by the Notice since given by the Chief Secretary for Ireland. Throughout the proceedings on this Bill he had felt, and strongly felt, that it was much better to waive abstract views than attempt to force them upon the Government in preference to such an approximation to them as the Government themselves might be willing to accept. Beyond all doubt anything which they were able to do with the concurrence of the Government would be much more likely both to be accepted by the House and, at the same time, to be received with satisfaction out-of-doors, than anything which might appear to be the result of hostile or adverse criticism. Holding this opinion, he had thought it his duty to be prepared to waive the precise form in which he should have preferred to see particular clauses in the Bill, whenever the Government were willing to do that which would substantially accomplish what seemed to him to be the just objects at which they ought to aim. Now, as this clause originally stood, it was open to the serious objection that it inverted indiscriminately the burden of proof with regard to all improvements whatever, and, under whatever circumstances, threw it upon the landlord to show that he had made improvements if the fact were so. Such a provision could not be right with regard to the large class of valuable and important improvements, especially upon the larger tenancies, as to which there was abundant evidence that the landlord had constantly made or had largely contributed to them. On the other hand, no one could have studied the copious literature of this subject without seeing there was at least equally abundant proof that, upon the small holdings, the improvements, such as they were, had usually been made by the tenants. That being so, it appeared to him that, looking candidly and reasonably at the proposal of the Government, although there might be some exceptions in which the burden of proof might still lie upon the party who had actually made the improvements, and, possibly, cases of difficulty and hardship might thus arise, yet, upon the whole, the safeguards now proposed would leave the burden of proof very much in each case where the actual evidence applicable to the subject taught us it might be fairly left. For example, the proposal of his right hon. Friend still left the burden of proof upon the claimant where the property was above the annual value of £100; and in his evidence before the Committee, Lord Dufferin, one of the best witnesses on the whole subject to whom one could refer, said that, according to the Ulster system, it would be rarely for the landlord's interest to make the improvements in tenancies of a lower value than that here indicated. Then the Amendment provided for the case of sales under the Encumbered Estates Act and all other sales, and would not throw upon a person who had bought an estate the burden of proving who made the improvements existing before the purchase. Again, the 20 years' limit seemed sufficient to exclude all, or almost all cases where the memory of living men was not likely to be able to throw light upon the matter. When such provisions were made to meet the particular cases in which the clause, as originally framed, might probably have had an unjust operation, he felt it would not become him to press the more extreme form of the proposal he had submitted, more particularly as his proposal was open to the objections that it spoke of tenancies entered into before the passing of the Act, and not of improvements. Improvements made, under tenancies now existing, after the passing of the Act would be covered by the form of the Amendment; and with regard to the future, it was not unreasonable to throw the burden of proof upon the party on whom the Legislature thought it might most conveniently rest, and who would then preserve the necessary evidence of these improvements. He would now suggest, for the consideration of the Government, an additional safeguard which he should be willing, if he received any encouragement from them, to put into shape in a later stage of the Bill. Every Member who had received communications respecting this Bill must know that great numbers of persons were anxious that, in some form or other, provision should be made for the registration of improvements. Now, the Committee had heard from the head of the Government yesterday—and he was not surprised to hear it—that anything like compulsory provision for the registration of improvements, or provisions which might make the relief given by the Bill to the tenant depend upon registration, was considered open to such grave objections as to be inadmissible. Probably, however, the Government would take a different view of a suggestion for a mere power of registration, which, if adopted, would greatly mitigate the incidence of the clause. He thought there should be a provision by which, if either the landlord or the tenant desired to preserve a record of improvements made by him or his successors either before or after the passing of the Act, he should be at liberty to register a schedule specifying these improvements in the Landed Estates Court, subject to the condition that he should give notice to the other party before doing so, and that the other party should be at liberty, within a reasonable time, to state whether he disputed the improvements or not, and if he did, then the matter might be brought by either party before the County Court, and no registration be made except upon the allowance and certificate of the Court. It appeared to him that a permissive power of registration of that kind could not work any injustice upon any party, and would greatly tend to mitigate the uneasiness and alarm felt by many persons in Ireland, whose views were well worthy of consideration, as to the indefinite nature of the burden of proof, which might be held in suspense for a long period of time before any claim was made. He thought that compulsory registration should not be pressed; but he hoped the Government would favourably consider this suggestion for permissive registration.

Mr. C. S. READ said, that, as he understood the clause, it simply proposed to throw the onus of proof, which now rested with the tenant, upon the landlord, who was supposed to be the stronger party. In his opinion, however, it would be impossible for the landlord to furnish the required proof so far as retrospective improvements were concerned. He hoped he would not be considered egotistical if, in illustration of the justice of that view, he referred to his own experience. He had within the last few months made some of the ordinary improvements in a farm, such as grubbing fences, claying, draining and bringing water into the yards, at a cost of £60 or £70, and he maintained that it would be utterly impossible for his landlord to prove those improvements, inasmuch as he believed he knew nothing whatsoever about them. Unless a landlord had notice that he should have to pay for improvements he would not, as a matter of course, look after them. As to improvements made after the passing of the Act, he quite concurred in the view that the presumption should be in favour of the tenant, because it would serve to make the landlord more thoroughly acquainted with every holding on his estate, and if he looked after his property more closely it would be all the better not only for himself but for the tenant. To return to his own case, it might be argued that he was in a position to keep books and to produce records to show the amount of money which he had expended on improvements; but would not the fact that the Irish tenant, who, in all probability made his improvements with his own hands, be more likely to make a greater impression on his mind than the mere payment of a certain sum of money for the purpose. It was impossible, he would repeat, for the landlord to prove retrospective improvements, while, on the contrary, it would be very easy for a tenant to substantiate his claim.

Mr. SHERLOCK pointed out that the claim for improvements would not always be made by the identical man by whom those improvements had been effected, who might have emigrated to Australia or America, or sold his interest in his farm to someone else. He must, however, confess that he did not attach much importance to the clause. The result of his experience led him to the belief that, presumption or no presumption, if a case could be proved, persons would come forward to prove it, and that the question was likely to be settled in accordance with the right of the party who had right on his side.

Mr. BRODRICK said, that exceptional privileges having been conferred on the Irish tenant—he said exceptional, because at present they were unknown to English or Scotch law—by the previous clauses of the Bill, it was by the clause under discussion proposed to advance a step farther, and throw the onus of proof with respect to the making of every single improvement on the landlord. Now, he utterly denied that it was in the power of the landlord to prove to the full extent what were or were not the improvements towards which he had contributed. He frankly admitted that on large properties in Ireland which were managed through the medium of agents, provided those were the same agents who had managed the estates for 20 years, and that there were regular offices and books carefully kept, there might not be any great difficulty —though there were many exceptions even to that rule—in proving the nature of the improvements made. But large properties were far from being universal in Ireland, and especially in the great county of Cork, with which he was best acquainted, there was a great number of small properties, sometimes managed by their owners, sometimes by small agents residing in adjoining counties. Now, he could state, as a fact, that in the case of many of those properties no books of account were kept, and that it would be quite impossible for the owners to prove what were the improvements towards the making of which they had or had not lent their assistance. The clause, he might add, distinctly favoured the estates of absentee proprietors, because, those estates being managed on a business footing, the facilities of proof in their case would be comparatively great. It was only the other day, he might add, that he had been told by a most improving Irish landlord, who had been resident for the last 25 or 30 years on his property, that he could not possibly distinguish the improvements made by his tenants from those which he had made entirely himself, or towards the making of which he had largely contributed. He concurred with his hon. and gallant Friend the Member for Sussex (Mr. G. B. Gregory) in thinking that the proposal of the Government would inflict a great injustice not only on the landlord. but on the tenant, by making the security of land so different from that which it had hitherto been. From his own experience he could say that especially within the last few months hardly a large insurance company in the City of London would lend a 6*d.* on the security of Irish property, and some of the most respectable and influential offices stated that the result of the present Bill would be to make it impossible to ascertain what the value of property was on which they were asked to advance money. The Chief Secretary for Ireland indeed admitted that it would be unfair to put the provisions of the Bill in force where property was acquired by purchase; but he would ask whether a man who inherited property was not sometimes almost a stranger in blood to his predecessor? He knew a case of a man who succeeded his cousin, and it became necessary to change the agent, who was hostile to the new owner. During three of the five years which would have come within the term of 20 years mentioned in the Bill, the new owner did not receive a 1*d.* from the estate, having expended for the benefit of the tenants, the whole of the money received. In this case, however, it would have been next to impossible to prove that anyone of the improvements had been effected by the owner, and not by the occupiers of the land. These were practical difficulties which he desired to lay before the Committee. It was all very well for the hon. and learned Member for Cork (Mr. Downing) to say that he represented a large proportion of the landowning interest of the county. He had frequently heard that hon. and learned Gentleman most admirably represent the sacerdotal element of the country, but he now learnt for the first time that he also claimed to be a representative of the landowning interest, with which he himself was as well, if not better, acquainted than the hon. and learned Gentleman. As long as the Bill contained this clause the landowners of Ireland would feel that neither justice nor equity was conceded to them. He was perfectly willing to give the fullest compensation to the tenant for all improvements which he could prove to have been executed by him; but he protested against the landowners being incessantly dragged, in consequence of this clause, before the new Courts which were about to be constituted. His hon. Friend the Member for Clonmel (Mr. Bagwell) never spoke more truly than when he said there was too much law in this Bill. He was not surprised, indeed, that hon. and learned Gentlemen opposite should not regard this as a defect, but he begged leave to remark, on behalf of those who were to be made the *corpus vile* of this crucial experiment, that they would prefer to be dragged before the new Courts as seldom as possible. If there was one thing which an Irish tenant understood better than another it was the full value of the land he occupied and the increased value he had given to it by his own exertions and expenditure. Therefore, within the limit of 20 years prescribed by the Bill, every fact would be within his own personal recollection, or he would have learnt it from his father, his elder brother, or whoever else preceded him on the land; and in 99 cases out of every 100 where the landlord had one chance of proof the tenant would have a dozen. Again, the throwing the onus of proof on the landlord would press more heavily on the large owners than on the small owners, who could least afford to lose the money. In conclusion, he sincerely hoped the Committee would pause before they sanctioned a clause which conferred on the tenant exceptional privileges, which could not on grounds of justice or of morality be granted to men who, having deliberately contracted to take one thing, now asked for another.

Mr. CHICHESTER FORTESCUE wished to say a few words in reference to what had fallen from his hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) on the subject of the registration of improvements. The Government fully recognized the distinction he had drawn between compulsory and optional registration. To registration, as a condition of compensation, the Government had strong objections; but with respect to optional registration, as a matter of convenience, the case was different. The Government did not think even optional registration was free from certain difficulties. He therefore would not pledge the Government with regard to it; but, at the same time, he should be sorry to reject the suggestion on the spur of the moment, as it deserved, and would receive, further consideration on their part. The last speaker and several other Gentlemen who preceded him, had looked at this question exclusively from a landlord's point of view. The hon. Gentleman appeared to be shocked at the idea of conferring exceptional privileges on the Irish tenant; but what would have been the state of law in England and Scotland at the present moment if, for many years past, the relations between landlord and tenant had been the same here as they had been in Ireland? Everybody must feel convinced that, if that had been the case, there would have been an end put long ago to the law which not only raised a presumption in favour of the landlord, as some speakers in this debate had stated, but which gave him absolutely everything he might find upon the land. The hon. Member talked in the same spirit of the hardship of throwing the *onus probandi* on the landlord, and of the vast difficulties he would experience in proving certain improvements to have been executed by him; but surely those difficulties would be felt quite as much, if not more, by the tenant as by the landlord. The Government proposed to make the presumption in favour of the tenant, subject to the limitation he should presently move, merely because the presumption of proof ought to follow the facts of the case. He should feel greatly surprised if any hon. Gentleman were to deny that, in the vast majority of cases in Ireland, the improvements were the work of the tenant. He would not trouble the Committee with numerous quotations on this point; but would be content to read a very brief extract from an authority which could not be questioned by hon. Gentlemen opposite. Master Fitzgibbon said—

> "It is well known that in Ireland, as a general rule, the landlord spends nothing on the improvement of his tenants' land."

A more decided opinion of a more competent and impartial authority, couched in as few words, it would be difficult to quote. The Government simply proposed that, with the important exceptions he should presently introduce, the presumption of law should follow the facts of the case, the difficulties of proof being far greater upon the side of the tenant than upon the side of the landlord. The argument of the hon. Gentleman opposite (Mr. Brodrick) was altogether one-sided, for he shut his eyes to the position and fair claims of the tenant. The terms of this Amendment went far beyond the question of retrospective improvements; for they would apply not only to them, but to all improvements executed after the passing of the Act until a new tenancy was created. He hoped the Committee would feel that the Government had done everything they could to obviate fair objections, and that injustice would be done to the weaker party if this Amendment were adopted.

Lord CLAUD HAMILTON said, he, on the contrary, regarded this as one of the most mischievous clauses in the Bill. Not only was it a complete discouragement to all improvements in the future, but it worked serious injustice to those landlords—and there were many—who had improved their estates in the past. To show that this was no mere random assertion, he would mention one case within his own personal knowledge. A nobleman had told him that for upwards of 20 years he had made it a rule to spend £2,000 a year in improvements upon his estate. He secured the services of a first-rate Scotch agriculturist; and the improvements which were everywhere visible upon the property had been carried out in perfect harmony with his tenants. The moment he read this clause in the Bill he felt that he had done an injustice to those who were to follow him in the estate. The vast expenditure which for over 20 years he had been making, in the belief that he was thereby improving the value of the estate, would simply be turned into a long bill of costs against his successor, which the latter would have no means whatever of paying. The agent, under whose eye the greater part of this money had been spent, was now no more; and, not expecting that any Government would propose, or that any Legislature would agree to such a proposal as was contained in this clause, the noble Lord told him he had kept no accounts which would enable him to meet claims on the part of the tenants. This was the statement made by one of the best of the Irish landlords; and so impressed was he with the nature of the Government proposals, that he felt it his bounden duty to stop all further improvement and to relinguish the course of action which he had pursued for so many years. As regarded the future, Parliament, of course, might make any arrangements which it thought proper; but what was here proposed was an arbitrary, sudden, and peremptory reversal of the existing law, acting retrospectively for an unlimited number of years. In the revised edition of the Prime Minister's speech it was distinctly stated that "what we propose to do is to reverse the presumption of the present law." Surely this was both uncalled for and unjust! Why not act as had been done in an earlier part of the Bill with regard to the Ulster tenant-right—leave each case to be decided upon the merits, without any presumption at either side? The right hon. Gentleman the Chief Secretary for Ireland asserted that all the improvements were made by the tenant. If that were so, surely there could be no difficulty in proving it. But his experience in the North of Ireland and in the county of Wicklow led him to a totally different conclusion. And in the great improvements which had been made in Ireland during the last 40 years, the initiative, at least, had always proceeded from the landlord. The tenants had such a love for the habits of tillage inherited from their forefathers, that they regarded any departure from these as almost impious. So far from the Irish tenant being inclined for improvements, the great difficulty of the Irish landlords had always been to get their tenants to improve, or to allow them to improve themselves. The improvements that had been effected were the result of years of action on the part of the landlords, who had urged their tenants, both by precept and example, to improve their holdings. Many of the improvements, although actually done by the tenants, were paid for by the landlords; and therefore it was a wrong principle that the tenants should be compensated for them. He did not wish that it should be assumed that the improvements had been made by the landlords; but he contended that each case should stand upon its own merits. Surely there would be no injustice in this. The value of Irish land was falling in the market, in consequence of the retrospective effect of the Bill. This clause, as it stood, was a great hardship upon those proprietors who had borrowed money on mortgage for the purpose of drainage and other works; and he thought also that there would be gross injustice inflicted upon those who had bought their land in the Encumbered Estates Court, under the belief that their rights would be guaranteed by Parliament. By reversing the presumption of ownership in improvements in land, that House would be creating a state of things in Ireland for which it would be held responsible.

Mr. POLLARD-URQUHART said, he believed that the clause would be no injustice to the landlords, while it would do a great act of justice to the tenants. It would be very easy for the tenants and the landlords to prove what improvements they had respectively executed.

Mr. BOURKE said, he could not help entering his protest against the principle involved in this clause. It was a well-known principle of both ancient and modern law that he who claimed a right should prove it, and this principle the clause proposed to set aside altogether. It had been said that under the 3rd and 4th clauses of the Bill the old fundamental principle of law was repealed, that whatever was planted in the soil should pass with the soil; but he could not concur in that assertion, because all that was given to the tenant was a right, not to the improvements he had effected himself, but to compensation for them. It was not, because they were going to give the tenant a right to compensation for improvements, that therefore they should presume that the improvements were his, without calling upon him to prove his title to them. He would be the last person to take from the tenant anything justly given to him by the Bill, and if he had placed the improvements on the land he was the person having the best knowledge of what those improvements were.

Mr. M'CARTHY DOWNING said, he deemed the observation made by the hon. Member for Mid-Surrey (Mr. Brodrick), to the effect that he (Mr. M'Carthy Downing) was more a representative of the sacerdotal party in Cork than of the landed aristocracy, to be totally uncalled for. The hon. Member said that the proprietors most benefited by this Bill would be the absentee proprietors; in that case the hon. Member should not complain, as he represented a nobleman who was an absentee in the fullest sense of the term, for he not only resided altogether out of Ireland, but spent little, if any, of his income in it. For his own part, he (Mr. M'Carthy Downing) felt he was justified in saying that he was the representative of the landed interest in Cork. He represented the constituency generally, and the hon. Member's relative, the Earl of Bandon, indirectly supported him at the election. With reference to the assertion that had fallen from hon. Gentlemen on the opposite side of the House, to the effect that people would not purchase land in Ireland, all he could say was, that an estate in Ireland was sold the other day, for which 26 years' purchase was paid, and that partly by the tenants in possession. With regard to the proposition of the hon. and learned Member for Richmond (Sir Roundell Palmer), he would not ask the Government to accept it. He recommended the Government to leave the clause as it was, for there could be no difficulty in the Court deciding whether the improvements were made by the tenant or the landlord. It was a mistake to suppose that the landlord kept no record of improvements. One of the first entries in the landlord's book was the sum allowed to the tenant for any specific improvement.

Mr. BRODRICK said, he desired to know on what authority the hon. Member stated that the Earl of Bandon gave him the slightest support of any kind at the election.

Mr. M'CARTHY DOWNING replied that he had seen a letter from Lord Bandon's brother, the Hon. Henry Bernard, requesting certain electors to vote for him.

Dr. BALL said, that he objected to the present clause, because it effected an alteration of the law of evidence in a vital particular. The universal principle of English law was, that he who asserted should prove. As a general rule, it was extremely undesirable to interfere with the law of evidence, except for indispensable purposes, as it was not the creation of statute, but had grown up out of the experience and wisdom of the tribunals charged with the administration of justice, and was founded on an extensive observation of the operation of human motives, conduct, and feelings. He admitted that the Amendments put on the Paper by the Chief Secretary for Ireland narrowed very much the range of operation of this clause; and he agreed with the hon. and learned Member for Richmond (Sir Roundell Palmer) that when the Government made solid concessions in matters not involving a vital principle in questions of compensation, it was better to meet them by not raising captious objections, but what, after all these Amendments, was left of this clause invaded a most important principle of evidence, and therefore it was extremely objectionable. His belief was, that the tenant could have justice without striking a blow at the principles of jurisprudence. It could not be difficult for a tenant to prove what improvements he had made within 20 years. This being so, and the clause being now confined to improvements within the last 20 years, was not persisting in the principle, an uncalled-for and wanton violation of principles of jurisprudence common to every country. It had been said this was Mr. O'Connell's clause; but he had read his evidence before the Devon Commission without finding any trace of such a clause. The fact was, as he had been informed by Mr. Tighe Hamilton, formerly Under Secretary for Ireland, it was the proposal of Mr. Pierce Mahony, an Irish solicitor, formerly a Member of that House. It was said the clause was to protect the weak; but he had never yet heard there was any necessity for that, because equal attention was paid in a Court of Justice to the evidence given, whether by rich or poor. He did not see why presumption should be called in at all. The tenant should be left to state his case, and take his oath that he believed it to be true. He should support the Amendment.

THE ATTORNEY GENERAL said, he must remind the Committee that they were dealing only with small tenants and tenants from year to year. They had already enacted provisions of a highly exceptional character in their favour, on the hypothesis that they were so poor, helpless, and dependent, and unable to protect themselves. With respect to this class of tenants they went on to enact that in certain cases, where certain improvements had been made, the presumption should be that they had been made by the tenant rather than by the landlord. This presumption was in accordance with the fact. They must deal with what was usual, not with the exception. Nothing was more clearly admitted than that in Ireland improvements were made by the tenants, not by the landlords; while in this country the reverse was the fact. It was on the recognition of the essential difference in the customs of the two countries that, in some respects, the Bill was based. They proposed that the presumption would be in favour of what was generally found in experience to be the fact. Another presumption, which was equally clear, was that the landlord would be in a better condition to prove his case than the tenant who kept no books, had no record of his improvements, was a poor and illiterate man, and unable to make a contract. Again, where the tenant had succeeded another, it would be almost hopeless to prove his case. This presumption of evidence, however, was only a matter of convenience, not of law, and no solid objection had been shown to the proposed change. He entirely agreed with the able argument of his hon. and learned Friend the Solicitor General for Ireland. He thought this provision would be highly advantageous, and would strongly recommend the Bill to the Irish people.

MR. GORDON said, he had listened with surprise to the observations of the hon. and learned Gentleman (the Attorney General). Nothing was clearer in law than that it was incumbent upon the plaintiff or pursuer to establish his case. It was not just to the landlord to require him to prove that the improvements claimed for by the tenant had not been made by the tenant. Hon. Gentlemen on his (the Opposition) side of the House had submitted to a great deal in the course of the deliberations on this Bill. They were anxious to see the question settled on an equitable basis; but were not prepared to allow exceptional legislation for Ireland to the extent of reversal of universal principles of law.

MR. DENMAN said, it was natural the feelings of Scotch lawyers should be outraged by the clause, because Scotch law was encumbered by a great many superstitions of which we had long since disposed. The principle of law for which hon. Gentlemen opposite contended was not as universal as they made out; even in our criminal law the prosecutor was not in all cases bound to prove every part of his case. Possessors of certain kinds of goods, for instance, had to prove they were honestly in possession. The clause, as it stood, would, he believed, not increase, but check litigation, because if a poor man made a claim which, if not successfully disproved, would be allowed, the landlord would prefer to settle it out of Court by payment rather than allow it to go before a Judge; whereas, if the burthen of proof were on the tenant, the landlord's agent would often advise a resistance to the claim, in the hope of succeeding by failure of the tenant's proof, owing to the enormous cost and difficulty to a poor man, of bringing up the necessary witnesses, perhaps some years after the event.

MR. PLUNKET said, he could not admit the force of the arguments of the hon. and learned Member who had just sat down either in point of policy or of law. In further illustration of the last argument of the hon. and learned Member, and in order to carry it to its legitimate conclusion, he (Mr. Plunket) would observe, that if the tenants of Ireland were presented with all the improvements made on their holdings up to the present time, an entire stop would be put to litigation between landlord and tenant on that account. As to the argument from the analogy of the criminal law, the hon. and learned Member must know that the principle involved in the instance he had cited was very different from that now under discussion. On the question of going to a Division, he must say that, although it was with extreme reluctance he had assumed a duty which the hon. and learned Member for Richmond (Sir Roundell Palmer) had originally proposed to himself, he preferred adhering to the hon. and learned Member's original view rather than following him in his more recent conclusions. The course pursued by the hon. and learned Member left hon. Members on that side in a difficult position; having argued in his place in a way which was perfectly unanswerable in support of the Amendment, he, by some mysterious mesmeric process, came to the exactly opposite conclusion, persuaded, no doubt, by arguments forged in the same smithy, but not exhibited for the consideration of the Committee. He (Mr. Plunket) would certainly not make the old appeal from "Philip drunk to Philip sober;" but he would venture, with all respect, to appeal from Philip mesmerized to Philip as he was before he was mesmerized.

Sir ROUNDELL PALMER said, he had but one word to say. There was neither mystery nor Mesmerism in the course which he had felt it his duty to take. That course was dictated by the simplest and most intelligible principle upon which a man could act—a principle intelligible to every man—that of endeavouring to get all he could, and of taking that which he was able to get.

Mr. PERCY WYNDHAM said, he must express his decided opinion that the majority of improvements of any value were in Ireland made by the landlord.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 132; Noes 191: Majority 59.

Amendment proposed, in page 6, line 40, after "title" to insert—

"Except in the following cases where compensation is claimed in respect of improvements made before the passing of this Act:—

"1. Where such improvements have been made previous to the time at which the holding in reference to which the claim is made was conveyed on actual sale to the landlord or those through whom he derives title;

"2. Where the tenant making the claim was tenant under a lease of the holding in reference to which the claim is made;

"3. Where such improvements were made twenty years or upwards before the passing of this Act;

"4. Where the holding on which such improvements were made is valued under the Acts relating to the Valuation of Rateable Property in Ireland at an annual value of more than one hundred pounds."—(*Mr. Chichester Fortescue.*)

Mr. G. B. GREGORY said, he wished to point out that these words did not make the smallest difference in the nature of the clause.

Sir ROUNDELL PALMER said, he took an entirely different view. The whole course of argument for the last three hours was, that the general principle of the law threw the burden of proof on the claimant; therefore the claimant must show the improvements in cases to which this clause did not apply. It was clear it was not for the landlord to prove anything about the matter until the burden of proof was thrown on him.

Mr. BRUEN said, that the Landed Estates Court had often to deal with cases other than those of actual sale; for instance, cases of investigation of title. What was granted to an owner who purchased, could not be withheld from an owner who sought an investigation of his title.

Mr. CHICHESTER FORTESCUE said, the clause did not make any reference to the Landed Estates Court; it applied to all sales in which property passed to a stranger.

Mr. R. TORRENS said, he must express his entire disapproval of the retrospective nature of the action given to this clause, which would open the door to fraud, and place the landlords of Ireland under so many unnecessary disabilities as to induce him to throw his land to a great extent into large farms.

Amendment *agreed to.*

Sir HERVEY BRUCE moved to report Progress, so that the clause might be printed, and that Members might have a better opportunity of understanding it than they could now.

Mr. GLADSTONE said, the clause could not be printed until it was passed.

Sir HERVEY BRUCE: Then, he would move to report Progress. So great was his objection to the clause in all its principles and all its words, that he could not consent to its going further without seeing what would be the effect of the Amendments that had been introduced in it.

Motion *negatived.*

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided:* — Ayes 167; Noes 103: Majority 64.

Clause *agreed to.*

House *resumed.*

Committee report Progress; to sit again upon *Monday* next.

COMMONS INCLOSURE BILL.

On Motion of Mr. KNATCHBULL - HUGESSEN, Bill to amend the Laws relating to Inclosure of Commons, *ordered* to be brought in by Mr. KNATCHBULL-HUGESSEN and Mr. Secretary BRUCE.

Bill *presented*, and read the first time. [Bill 119.]

JURIES BILL.

Committee *nominated* as follows:—Viscount ENFIELD, Mr. CROSS, Mr. DENMAN, Sir HERVEY BRUCE, Mr. WELBY, Mr. HEADLAM, Mr. AMPHLETT, Mr. DICKINSON, Mr. FLOYER, Mr. ADOLPHUS YOUNG, Mr. HENRY HERBERT, Mr. GORDON, Mr. LUSK, Mr. WILBRAHAM EGERTON, Mr. DONALD DALRYMPLE, Mr. RICHARD BRIGHT, and Mr. HANBURY TRACY: — Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, 9th May, 1870.

MINUTES.]—PUBLIC BILL—*Report*—Inverness County, &c. (Boundary)* (48).

IRISH COLLEGE, AND ENGLISH COLLEGE, DOUAY, PARIS.

ADDRESS FOR PAPERS.

THE MARQUESS OF CLANRICARDE said, he desired to ask their Lordships' attention to a matter which, though of somewhat remote date, affected the character and honour of the British Crown and the British Government. It was a case which somewhat resembled that of the Baron de Bode, with which their Lordships were formerly so familiar—at least in its primary elements; but there was this material difference, that the Baron de Bode was not a British subject, while the claimants in the present case were recognized British subjects. The Irish College at Paris was founded in the reign of Queen Elizabeth by an Irish ecclesiastic, and was from its establishment an essentially British institution. As such it was recognized, both by the British and by the French Governments, for in 1789, when the property of all ecclesiastical establishments was confiscated, the then head of the College presented a memorial to the French Government claiming exemption on the ground that it was a British institution and that its inmates were British subjects. That remonstrance was supported by the English Ambassador at Paris, and was successful, the property of the College remaining for a time untouched. When, however, the Reign of Terror set in all respect for property and privilege disappeared, the College was broken up, the Professors were treated as British subjects, arrested and sent back to this country, not being able to return and re-open the College till 1801. With the exception of that interval of four or five years, its existence had been an uninterrupted one, its object being to afford Irish Roman Catholics those means of education which the Penal Laws prevented them from enjoying in their own country. Now, in 1814 or 1815, claims were made by the British Government for the confiscation and loss of property sustained by British subjects, and a joint Commission was appointed to inquire into those claims by both countries; but ultimately the inquiry was conducted by British Commissioners exclusively, France having agreed to pay a lump sum estimated by the British Government for the claims then sent in. The claim of the Irish College was included in that estimate, and the British Government undertook to liquidate out of that amount all claims. Some years afterwards the claim of the College was heard by the Commissioners, who decided against it. Claims were also made by the English Colleges which had existed at Paris, Douay, and elsewhere; but those institutions were on a totally different footing. They were not of the same antiquity as the Irish College, and after the confiscation of their property they ceased to exist and were never revived. On their claims being rejected they appealed to the Privy Council; but the appeal was rejected on the ground that those Colleges were in the nature of French corporations, that they had no connection with England, and that their object was directly at variance with English law. After the lapse of some short time the Irish College also appealed; when the Master of the Rolls, Sir John Leach, instead of calling on the other side to argue the case, cut the matter short by ruling that it was concluded by the appeal of the English Colleges, and he accordingly dismissed it. Now, it was true that one objection—namely, that they were locally established in a foreign country—applied equally to the Irish and the English Colleges; for it was the very gist of the claim that they had property in a foreign country—namely, France—and had sustained injury which the British and French Governments had undertaken to compensate. The Irish College, however, had been supported by Irish funds, and had a clear right to be reimbursed. The decision of the Privy Council in 1825, delivered by Lord Eldon and other members, was based on a political principle, and Parliament had therefore a manifest right to review it. That principle was, that an institution for the education of Roman Catholic priests was contrary to British law—a strange doctrine, and one inconsistent with fact, considering that many years previously Maynooth had been established, and had continued to be supported by the British Parliament. Moreover, the Irish College had always been a loyal institution, and had sent forth, as it was still continuing to do, many eminent and learned men. In proof of this, he need only mention that an Irish Prelate, known to many of their Lordships, and esteemed by all who knew him, Dr. Moriarty, was for four years its vice president. This would indicate the spirit in which it was conducted. On the re-establishment of the Bourbon dynasty in 1815, the French Government at once acknowledged its claim to exemption, as a foreign institution, from the financial superintendence of a Government administrator, which was obligatory on all French institutions, and a British subject, the Rev. Paul Long was appointed administrator general. The decision of the Privy Council in the case of the English Colleges, by which that of the Irish College was governed, was given prior to Catholic emancipation, on the intolerant and persecuting principles which then prevailed; and now that the principle of religious equality had been adopted the English Government ought not to withhold the compensation paid by France of which it was still in possession, but to which it had no right. Nobody could doubt that if the institution had been a Protestant one the Commissioners would have made an award in its favour, or the Privy Council would, on appeal, have sustained the claim. He would now move for, Copies of the award of the Commissioners, of the judgment of the Privy Council, and of the judgment in the case of the English College at Douay, hoping that the matter would be considered by the Government, and that he should have no occasion to recall attention to it.

Moved, That an humble Address be presented to Her Majesty for, Copies of the award made in the case of the Reverend Paul Long as administrator-general of the Irish College at Paris by the commissioners appointed for liquidation of British claims out of funds received from the French Government, and of the judgment of the English Privy Council in 1832 on the appeal from that award:

Also, Copy of the judgment in 1825 in the appeal case of the English College at Douay.—(*The Lord Somerhill.*)

THE MARQUESS OF LANSDOWNE said, he would confine his answer to the history of the case, without following the noble Marquess into somewhat abstract arguments. In 1815 a Convention was concluded between this country and France, by which the latter created Rentes representing 3,500,000f. per annum, for the purpose of indemnifying British subjects who had suffered confiscation of property during the Revolution. In 1818 France created a further fund of 3,000,000f. for the same object. Out of these sums all sufferers were compensated who, in the first instance, established their claims before a joint Commission, and latterly before an English Commission. It was impossible that, as the noble Marquess had stated, the claims of the Irish College were not considered. All then existing claims were considered; a sort of rough average was made, and a round sum was claimed.

After this had been granted each case had to be decided, and the claim of the Irish College was brought forward and rejected. The noble Marquess was also incorrect in stating that the British Government were still in possession of part of this sum. In 1826, 700,000f. remained unaccounted for, which might have been appropriated by the Government; but they did not take advantage of the power they possessed under the 59 *Geo.* III.; and this residue remained subject to any claims omitted or made too late, till in 1845 Dr. Phillimore, the then sole surviving Commissioner, reported that the whole sum had been expended. Not a single penny of these Rentes, therefore, remained in the hands of the Government. He thought it was almost a pity that a matter decided by the Commissioners, and again by the Privy Council, should have been re-opened. The Master of the Rolls in 1832 emphatically adhered to the judgment of Lord Gifford in the case of Douay College, and this, he should have thought, disposed of the case. Sir John Leach deemed himself bound by that analogous case.

THE MARQUESS OF CLANRICARDE maintained that Sir John Leach was in error in doing so.

THE MARQUESS OF LANSDOWNE said, the Master of the Rolls, in giving judgment, gave two reasons—one that the Colleges were opposed to English law, which he (the Marquess of Lansdowne) regarded as a questionable reason, on account of the material difference between English and Irish law; the other that they were French establishments, having been founded by the authority of the King of France. He held himself, therefore, precluded by the Douay judgment from any further consideration of the matter. Now, after this conclusive decision there was no reason for re-opening the subject; but there was no objection to produce the Papers moved for.

THE MARQUESS OF CLANRICARDE remarked that the English Colleges were affiliated to French institutions, and ceased to exist at the Revolution, whereas the Irish College was always an independent one, and continued in existence.

Motion *agreed to.*

NATURALIZATION BILL.

COMMONS' AMENDMENTS.

Commons' Amendments *considered* (according to Order).

THE LORD CHANCELLOR explained that the Amendments made by the Commons in the Bill, as it was sent down by their Lordships, were only four, to which he hoped their Lordships would have no difficulty in agreeing. In Clause 2, enabling aliens to hold property, the Commons had struck out the proviso, empowering the Queen in Council to suspend its operation with regard to the enjoyment of property by aliens, subjects of any State at war with Her Majesty, during the continuance of such hostilities. This proviso appeared to him, when inserted, scarcely necessary, since, during a time of warfare, there would be ample power to deal with the subjects of an enemy who had settled or held property in this country. The aim of the Bill—though, as he had explained, it could not be thoroughly carried out—was to enable any person with a double allegiance to elect which country he would be a subject of. The 4th clause accordingly provided that any person who, by being born within the British dominions, became a British subject, but who also became at his birth under the law of any foreign State a subject thereof, might, if of full age and not subject to any disability, make a declaration of alienage, and cease to be a British subject. Now, the Commons had added the converse proposition—that a person born out of Her Majesty's dominions who by reason of parentage was a British subject, should, in like manner, be able to make a declaration of alienage and cease to be a British subject. This he thought an improvement, for it made the position of both countries a reciprocal one. The term of three years' residence adopted by their Lordships as a qualification for naturalization had been extended by the Commons to five years—which was the period required in Prussia, and he believed at present in the United States. Considering that naturalization would confer the full privileges of citizenship, including a seat in Parliament and membership of the Privy Council, their Lordships, he trusted, would not be indisposed to assent to this. The Commons had also added a money clause, enabling the Home Secretary to fix the fees payable on certificates and declarations, which could not properly have been inserted by their Lordships. He moved that the Commons' Amendments be agreed to.

Lord WESTBURY expressed a doubt whether the Government would have sufficient power over the subjects of a State at war with us, in the absence of the proviso which the Commons had struck out. The 4th clause having originated with himself, he should wish it to be good English; but the provision added by the Commons spoke of a person as "born of a father." Now, it was quite right to speak of a man as born of a woman, or born to a father, but "born of a father" was a singular expression, which he had not previously met with, even in the proceedings of a Reformed Parliament. It expressed, indeed, a thing physically impossible. He would propose an Amendment, making it read "any person born out of Her Majesty's dominions, the child of a father."

The Duke of ARGYLL reminded the noble and learned Lord that it was not uncommon, and, he believed, not incorrect to say—"born of English parents," which, according to his contention, would be as bad English as the expression used in the Bill.

Lord WESTBURY remarked that the phrase "English parents" included the mother.

The Earl of CLARENDON appealed to his noble and learned Friend not to press his Amendment, unless he attached great importance to the distinction between father and mother. It was important that the Bill should become law as early as possible, as it would be the basis of a treaty giving effect to the Protocol signed by Lord Stanley and Mr. Reverdy Johnson. If passed tonight it could not receive the Royal Assent before Thursday, which would leave Friday for him to negotiate with Mr. Motley.

Lord WESTBURY upon this withdrew his Amendment.

Commons' Amendments *agreed to.*

House adjourned at Six o'clock,
till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Monday, 9th May, 1870.

MINUTES.] — Select Committee — Pawnbrokers, *nominated.*

Public Bills — *Ordered — First Reading —* Parliamentary Elections [120]; Magistrates in Populous Places (Scotland)* [121]; Sale of Poisons, &c. (Ireland)* [122].

Second Reading—Pier and Harbour Orders Confirmation* [117].

Committee—Irish Land [29]—R.P.

Third Reading—Bridgwater and Beverley Disfranchisement* [98]; Norwich Voters Disfranchisement* [99]; Felony* [103]; Mortgage Debenture Act (1865) Amendment* [78], and *passed.*

NAVY—NEW ZEALAND MEDAL.

QUESTION.

Sir JOHN HAY said, he would beg to ask the First Lord of the Admiralty, Why the Medals for service in New Zealand have not been issued to the Officers and Men of the Navy employed on that service in a similar manner to that in which the Officers and Men of the Army were employed, and who have for some months been wearing this decoration?

Mr. BAXTER: The delay, Sir, in issuing the medals in question arose from a difficulty experienced in obtaining correct lists from the ships' books; but all the names were last month sent to the Mint, and the first instalment of medals for distribution was received at the Admiralty on Saturday. I may add that, in this instance, it was natural that the Army medals should be distributed first; but the general question of the order of distribution requires looking into, as previous complaints have been made on the subject.

COMPENSATION TO FOREIGN OFFICE AGENTS.—QUESTION.

Mr. RYLANDS said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it is true, as stated in the public papers, that a Memorial has been presented by the Foreign Office Agents praying for compensation on the abolition of their agencies; and, if that is the case, whether he will give the House an opportunity of expressing an opinion upon the subject before the sanction of the Treasury is given to such compensation?

MR. STANSFELD said, in the absence of his right hon. Friend, he would beg to state that the Treasury had received a communication from the Foreign Office, urging the claims of the clerks who had been obliged to give up Foreign Office agencies to compensation. The Treasury had considered the subject, and had replied to the Foreign Office that, in their opinion, there was a claim for compensation. In making that communication, they said it must be understood that no payment should be made, and that no right should be assumed to have resulted from the Treasury concurrence with the Foreign Office view, until the proposed compensation had been presented in a Supplementary Estimate, and decided by the vote of the House.

REVISION OF THE LECTIONARY.

QUESTION.

MR. BOWRING said, he would beg to ask the First Lord of the Treasury, Whether it is the intention of Her Majesty's Government to take an early opportunity of introducing a Bill for the purpose of giving effect to the recommendations on the subject of a new Lectionary contained in the Third Report of the Ritual Commissioners, there being reason to believe that the present uncertainty as to an approaching revision of the Lectionary had deprived of employment many persons connected with the printing and publication of prayer books?

MR. GLADSTONE: Sir, when the Ritual Commission made their Report upon the subject of the Lectionary, it was obviously desirable and necessary that some time should be given to those interested in the subject to consider that Report, because alterations of that kind once made ought not to be subject to early re-amendment. A pledge also was given to the late Archbishop of Canterbury that an opportunity should be given to the clergy to consider that Report, which we thought a very reasonable promise to make. That time has now been given, and the Report has been favourably received by the clergy and, in general, by all who have considered it. It is the intention of Her Majesty's Government, therefore, to introduce a Bill forthwith, for the purpose of asking the sanction of Parliament to the Report. I hope, with my hon. Friend, that the effect of asking for such a measure may be to remove or diminish the stagnation which undoubtedly does prevail in that branch of trade connected with the preparation of prayer books.

PALACE OF WESTMINSTER—THE CENTRAL HALL.—QUESTION.

MR. A. SEYMOUR asked the First Lord of the Treasury, What instructions, if any, have been issued to Mr. Poynter, or any other artist, with regard to the mosaic decoration of the Central Hall; and, whether he sees any objection to the Cartoons already executed, and which are now exhibited at the Royal Academy, being returned to Mr. Poynter, the Government having no further use for them?

MR. GLADSTONE: Sir, I have to state, in reply, that Mr. Poynter has been apprised that he will be employed for the purpose of effecting these decorations; but he has been requested by my right hon. Friend the First Commissioner of Works to wait a decision, which has not yet been arrived at, with respect to the best method of carrying them into effect. With respect to the cartoons on exhibition at the Royal Academy, I understand they are the property of Her Majesty's Government, and will be employed for some public purpose; and, therefore, they cannot, on that account, be returned to Mr. Poynter.

WAR IN CUBA.—QUESTION.

MR. GILPIN said, he wished to ask the Under Secretary of State for Foreign Affairs, If the attention of Her Majesty's Government has been called to the sacrifice of life in Cuba, where, while two large armies are contending together and desolating the Country, it is stated that no prisoners are taken and no quarter given; and, whether it would not be practicable, in the opinion of Her Majesty's Government, in the interests of humanity, by friendly communications in concurrence with other Powers, especially with the Government of the United States, to stop the sacrifice of life, or at least to mitigate the horrors of civil war?

MR. OTWAY replied, that the attention of Her Majesty's Government had been for some time directed to the state of affairs in Cuba, and the fierceness with which the contest had been carried on in that island. The Spanish Government had expressed themselves confident of being able to put down the insurrection; and, certainly, the insurgents had never succeeded in occupying any place of importance. The intervention of Her Majesty's Government in this contest would, under any circumstances, be difficult, and in the present state of things would be inopportune. Her Majesty's Government would, however, gladly avail themselves of any occasion which might appear favourable for rendering the services to humanity which the hon. Gentleman had suggested; and he need scarcely add that it would be very agreeable for Her Majesty's Government, should such an occasion arise, to receive the co-operation of the Government of the United States in such a work.

ARMY—THE WHITWORTH GUN.

QUESTION.

MR. HANBURY-TRACY said, he would beg to ask the Secretary of State for War, If the Ordnance Council have yet come to any determination in reference to the proposal to construct a 35-ton gun out of Sir Joseph Whitworth's new metal; and, if so, whether it is still his intention to propose a Vote in Committee of Supply to carry out this object?

CAPTAIN VIVIAN: The question whether a 35-ton gun of Sir Joseph Whitworth's new metal shall be constructed has been very recently considered and reported on by the Ordnance Council. But the Secretary of State for War, having only just received that Report, has not yet had time to consult with the First Lord of the Admiralty, whose Department it likewise concerns, or to come to a final decision in the matter.

IRISH LAND BILL—[BILL 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

COMMITTEE. [*Progress 6th May.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 6 (Compensation in respect of payment to incoming tenant).

DR. BALL said, that the clause provided for the cases where a person had not claimed under Clauses 1, 2, and 3, and where he had, to obtain possession of his holding, paid money, or money's worth, and where he had the expressed or implied consent of the landlord to his coming into the holding. The clause was just, so far as it related to the case of tenants from year to year; because, if such a tenant had the expressed or implied consent of his landlord, it amounted to an assurance that he should continue in possession unless he did something objectionable. Where, however, a man purchased a lease for a certain term of years he paid for nothing more than the lease, and had no right to expect to hold on or receive compensation. With a view, therefore, to limit the operation of the clause to yearly tenants he moved in line 41, after the word "tenant," to insert the words "from year to year."

MR. CHICHESTER FORTESCUE said, he saw no objection to the proposal.

MR. SYNAN said, he must oppose the Amendment.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he hoped his right hon. Friend (Dr. Ball) would withdraw his Amendment for the present, on the understanding that the matter would be considered by the Government.

DR. BALL said, he was very reluctant to persevere after receiving such an assurance; but he feared he must press his Amendment, because the difficulty that might arise was very much felt.

MR. GLADSTONE said, that though very desirous to meet the wishes of the right hon. Gentleman, he must ask him to afford some time. With respect to the past, leases entered into in Ireland were for a term of years, at the close of which the interest of the tenant would have expired. Consequently, if the tenant had given any money to an outgoing tenant it was only fair to assume that the interest which he had purchased had died out. But, looking at the matter prospectively, the character of leases shorter than 31 years would now be altered, for at the end of a lease for seven or 14 years a certain interest would remain provided for in the 3rd clause, with respect to which the tenant ought to be protected.

DR. BALL said, with respect to the future it was not so material; he had spoken with reference to the past.

Mr. GLADSTONE said, there would be no difficulty as to the past.

Amendment, by leave, *withdrawn.*

Amendments made.

Other Amendments *moved,* and *negatived.*

Mr. PIM said, he would beg to move, in Clause 6, page 7, line 21, at end, to add—"Provided always, That this section shall apply not only to farm and agricultural holdings, but also to town parks and holdings in towns and villages." The object of his Amendment, in accordance with the intentions of the clause, was to afford the same protection to the rights of tenants in respect to town plots as was given in respect to agricultural holdings.

Mr. W. JOHNSTON said, he must urge on the Government the propriety of considering that proposal. He had received communications from persons in towns in Ulster who were afraid they would suffer if the Bill passed without some such Amendment as that now before them.

Mr. CHICHESTER FORTESCUE said, he could not admit that the Amendment was in accordance with the intention and the principle of the Bill. The Government did not undertake in that Bill to deal with town property in any way. It was the intention of the Bill to exclude all questions of town property, and once they began to deal with town property they could not possibly stop with that clause, but must deal with it throughout.

Amendment *negatived.*

Amendment proposed, in Clause 6, page 7, at end of clause, to add—

"Provided, That out of any moneys payable to the tenant under this section, all sums due to the landlord from the tenant in respect of rent, or of any deterioration of the holding, arising from non-observance on the part of the tenant of any express or implied covenant or agreement, shall be paid to the landlord, and also any sums payable by the tenant for taxes due in respect of the holding and not recoverable from the landlord, may, if not deducted under the provisions of section 4 of this Act, be deducted by the landlord."—(*Mr. Bruen.*)

Amendment *agreed to.*

Mr. CORRANCE said, he thought he was justified in his opinion that the effect of this clause would be to create a tenant-right throughout Ireland. He repeated that he had no doubt that the compensation would be paid by the tenants themselves.

Clause, as amended, *agreed to.*

Clause 7 (Compensation in respect of crops).

Amendments made.

Mr. C. S. READ said, the clause provided that the tenant of every holding which is not proved to be subject to Ulster tenant-right custom or such usage as aforesaid should, on quitting his holding, be entitled to all his away-going crops, or, at the option of the landlord, to be paid the value of the same. The custom in Ireland was that the outgoing tenant sold off his straw, &c.; but on some of the best-managed estates the English custom had been introduced, and the incoming tenant, upon agreeing to certain covenants, had his straw given him gratis. Would a tenant coming in under this clause be entitled to all his away-going crops even if there had been an agreement to the contrary?

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he thought words should be introduced to meet the case put by the hon., and he thought he might add learned, Member for South Norfolk (Mr. C. S. Read). He proposed to introduce the words "in the absence of any agreement to the contrary."

Mr. SYNAN said, he would suggest that the words "in writing" ought to be added after "agreement."

Amendment altered and *agreed to.*

Clause, as amended, *agreed to.*

Clause 8 (Limitation as to disturbance in holding).

Dr. BALL said, he proposed in page 7, line 31, after "rent," to insert "or for breach of any condition which the Judge before whom the action is tried shall consider reasonable." It was only reasonable that the landlord should be allowed to re-enter when the tenant either assigned without licence, or became bankrupt or insolvent. All ordinary leases contained a covenant, empowering the landlord to enter in any of these specified cases.

Amendment proposed,

In page 7, line 31, after the word "rent," to insert the words "or for breach of any condition which the Judge before whom the action is tried shall consider reasonable."—(*Dr. Ball.*)

Mr. M'CARTHY DOWNING said, he trusted that the Government would not assent to the proposed Amendment, which, if adopted, would give rise to endless litigation.

Mr. CHICHESTER FORTESCUE said, this question had been already disposed of on the 3rd clause, and the Amendment, if carried, would amount to an absolute forfeiture of an important privilege which the House had conferred on the tenant. Of course, the Court would be entitled to take into consideration all matters of the character referred to by the right hon. Gentleman's Amendment. Under these circumstances, it was impossible for the Government to agree to the Amendment.

Mr. SYNAN said, he must oppose the Amendment, which was a proposal to permit the landlord to take advantage of his tenant's misfortune.

Dr. BALL explained that he merely proposed to give the landlord the benefit of the covenants usually inserted in all leases. The question was, whether the landlord should be deemed a disturber, because he enforced a positive contract. An enormous load had already been imposed on the Equities Clause—the 14th—by the number of questions held over to be solved by it. With all respect, therefore, to his right hon. Friend the Chief Secretary for Ireland and the arguments he had used, he must press his Amendment. It would do no injustice to that large class for whom the Bill was principally framed—tenants from year to year.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he could assure his right hon. and learned Friend (Dr. Ball) that the Equities Clause would be well able to bear all the burden that was laid upon it. He hoped the Committee would not sanction the Amendment. There was a provision in the Bankruptcy Act which would meet one case provided for by the right hon. Gentleman's Amendment. When a tenant became bankrupt the landlord had the power to serve notice, calling upon the assignees to elect whether they would continue the tenancy or not. If they considered it would be to the advantage of the creditors they accepted the burden of the lease; but if they did not elect to become tenants within a certain time then all benefit from the lease was lost, and the land reverted to the landlord. There would be no disturbance in a case of that kind, for the tenancy would be simply put an end to. Any number of conditions might be inserted in the lease, and if the landlord put them in force fairly, that would be taken into consideration by the Court in awarding compensation to the tenant.

Mr. WEST said, he thought it would be hardly fair in the event of a tenant leaving his farm through bankruptcy, that the landlord should receive the benefit of the lease, and not the tenant or his creditors. He hoped the Committee would not assent to this Amendment.

Dr. BALL said, he would beg the Committee to remember that the Amendment would only relieve the landlord from the damages for eviction, not from liability for improvements.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 113; Noes 194: Majority 81.

Mr. CORRANCE proposed, in page 7, line 32, after "landlord," to leave out to the end of the clause, and insert—

> "And any person who is ejected for non-payment of rent shall, if the Court so decide, stand in the same position in all respects as if he were quitting his holding voluntarily."

In moving his Resolution, the hon. Gentleman said: It would seem to be the object of this clause to define, with some amount of precision, the limits elsewhere set to the power of the landlord to recover his right of property. No one can doubt the propriety of such a clause, nor do I think that in terms it should leave any doubt upon such a matter. The base of all such contracts obviously depends upon the due discharge of such an obligation, and so long as society is governed by law instead of by force, you are bound to give its full protection to the injured party. This certainly will be the landlord, in this case, and so long as ownership in such property is permitted at all, or its transfer for valuable consideration, so long you are bound to provide the means and machinery through which a landlord may recover possession. It is not merely a question of debt, but subjects such an one to far greater injury. I need scarcely, indeed, argue this point—it has never been questioned; nor am I aware of a single instance in which it has been challenged. Even those who advocate fixity of tenure make the payment of the rent a condition. It is possible that the execution of the law in recovery may have been harsh, or that, in exceptional instances, it may have been exercised with severity; but there are things which public opinion will limit, and that, too, in proportion to the security you give to society for its just exercise. It is the absence of such security that will lead to severity. If I say that this is the least you can do, I do not say so alone for the landlord. Throughout this whole discussion my first object avowedly, and, in fact, has been, the tenant; and assuming him to be an honest and thrifty man, I do not believe we can confer a greater boon upon the landlord than to assure his position. I believe this Bill has not always dealt wisely with such interests. In this instance it will not be so if you introduce any element of uncertainty. What will be the procedure of the landlord if you do so? Why, he will exact every possible security. He will grant no time, extend no grace—perhaps require deposits. The right he gives to the tenant over his property is an act of confidence which you ought not to weaken. Now, in this clause, the words I propose to leave out are of this objectionable nature, they raise an uncertainty. Not, perhaps, in the mind of the excellent but overburdened barrister who is to decide whether the rent has been fairly set; this is a matter he will probably decide according to his judgment and knowledge of land questions, not purely legal. I will not question that judgment or practice; though it seems to me about as reasonable as if a jury of landlords or some typical agriculturist were to tax lawyers' bills at their own estimate of value. But the question is, what construction will be put upon it by the tenant? Not, indeed, the deserving man, who, under the provisions of the Amendment I am anxious to introduce, would receive far larger amount of compensation in the power conferred upon him, to claim his full rights as a tenant voluntarily dispossessed—who would as such receive the full amount of any improvements and the power of selling even his good-will to another tenant—no inconsiderable boons, one would think. But by the tenant, deeply indebted, with everything forestalled, to whom no compensation would do good, I say, to such an one—sliding down into the gulf of misery, perhaps the victim of dissipation and vice—you will convey hopes which mock. He will seek to avoid a present evil, and, to his fancied purpose, he will seek the refuge of your Court, sanctioned by the ambiguities of your Act. Is this your wish? For such an one we may feel pity or compassion; but it must not mislead our judgment in this case. A great wrong is being committed against society by such an one, and no less than the bad landlord. Such an one brings evil upon his class. Ultimately the law will no doubt enforce justice, and the man driven to desperation will have played his last stake. Will you pacify Ireland by such means as this? Now, if by any indirectness of language you produce such circumstances, you will inflict upon the agrarian interests the gravest ills. You will destroy credit—you will shake confidence. Between landlords and tenants you will encourage mistrust, for no man will place his property in the hands of another without, at least, the full protection of the law to enable him to receive it back under such circumstances as these. It is under this strong conviction that I ask the consideration of Her Majesty's Government to this point—to withdraw an ambiguity of language, and even seeming inconsistency, to avoid an apparent want of confidence in admitted principles which this Bill too often betrays, and for the real advantage of improving landlords and deserving tenants, to leave upon record, upon this most important point, no stamp of hesitation or of doubt.

Amendment proposed,

In line 32, to leave out from the word "landlord" to the end of the Clause, in order to add the words "and any person who is ejected for non-payment of rent shall, if the Court so decide, stand in the same position in all respects as if he were quitting his holding voluntarily."—(*Mr. Corrance.*)

MR. CHICHESTER FORTESCUE said, he could assure the hon. Gentleman (Mr. Corrance) that the Government had already carefully considered the Amendment. He presumed that the hon. Gentleman was under the misapprehension that the present clause applied to all tenancies. The clause, however, had no reference to tenancies created after the passing of the Act, but was entirely confined to the past. The Government had resolved to leave the question of rent for the future to the arrangement or contract entered into by the parties themselves; but, on looking back to the past, an unwholesome and unsatisfactory state of things was found to exist, under which many Irish tenants, being entirely without protection by law or custom, had submitted to exorbitant rents, those rents being very often based on improvements executed by themselves. Therefore, the Bill proposed, leaving out the question as regarded the future, that the Court should not be debarred from considering any case of that kind with respect to the past; but should have power to award compensation for disturbance, even though the tenant had been evicted for non-payment of rent, provided the Court was satisfied that the rent was such as the tenant could hardly be expected to pay. Independently of the question of ejectment for non-payment of the immediate rent, arrears, dating as far back as the year of the Famine, were in some cases held over the heads of the tenants; and if ejected for the non-payment of arrears it would be impossible for the tenants to receive compensation under Clause 3 if the Government had not framed this provision for their protection. The Government thought it right to meet such cases as those.

Mr. GATHORNE HARDY said, that the right hon. Gentleman the Chief Secretary for Ireland had raised a tremendous question, for he said that because there were some exceptional cases in Ireland of excessive rents—some cases of tenants having arrears of rent held over their heads, therefore every landlord was to be liable to be taken into a Court of Law if he evicted his tenant for non-payment of rent. The right hon. Gentleman admitted that, with respect to the future, ejectment for non-payment of rent would not be a disturbance, and why, then, should it be proposed to interfere with all existing engagements? He did not think this was a question in which a Court should be called upon to interfere at all; there was nothing for a Court to decide. It had been admitted that the question of what was or was not a fair rent was not one for a Court to solve, but was one which should be left to the two persons concerned; and why compel a landlord to enter into a new contract or arrangement with his tenant in order to free himself from the liabilities of the clause? If any one was to suffer it ought to be the person who had made a contract against himself. It might be he had done so without freedom, yet the arrangement existed, and we were taking things as they were. He hoped, however, his hon. Friend (Mr. Corrance) would not press his Amendment in the form in which it had been brought forward, because he thought that the object aimed at would be better attained by an Amendment of the hon. Member for Mid-Surrey (Mr. Brodrick).

Mr. CORRANCE said, the Amendment did not propose that the Court should exercise any such function as was contemplated by the clause; it was not the question of ejectment, but simply the amount to be paid, which he proposed to submit to the Court.

Mr. GLADSTONE said, the objection taken by the right hon. Gentleman (Mr. Gathorne Hardy) was very broad; but, to a certain extent, it did not conflict with the view of the Government. They were desirous to bring about a strict observance of the conditions of contracts in Ireland, and in order to get it they thought it requisite to have a fresh starting point. The state of things in Ireland was one for which the Legislature and the owners of property were mainly responsible, for competition among tenants had been promoted and stimulated in the most reckless manner, and rents had been agreed to out of proportion to the tenants' probable means of payment. In addition, a number of new purchasers had gone into Ireland and had raised the rents of the tenants, often upon their own improvements, to such an extent that it would be impossible for them to meet their engagements. This was the state of things to be dealt with; and the question was, whether it was to be met by any legislation? They would on no account propose anything that should apply to the future; and, with respect to the past they desired to put words into the clause that should show that what was proposed should be applied only under circumstances of a very exceptional character, and that the Court could allow no excuse in case of non-payment of rent. The hon. Gentleman (Mr. Corrance) said the only offence of the landlord would be re-entering upon property for which he was getting no rent. That would not be the case at all; nor would it be one which the Court would be justified in taking notice of, though, of course, if rent were due it would be deducted from the damages for eviction. If a man were subjected to an exorbitant rent, wholly out of rational relation to the value of the land, he would have to make the offer of a reasonable rent. If any re-adjustment of the terms of a tenancy had been made after the passing of the Act, that fact would take it out of the category of the cases contemplated, for it was intended to give warning that henceforward every man must enter into such covenants as he could fulfil; and to meet the objection which had been raised, he would suggest the insertion of words to render the clause applicable only to tenancies which existed at the time of the passing of the Act, and which had continued without any alteration of their terms and conditions.

Lord JOHN MANNERS said, such an Amendment as that proposed by the First Minister of the Crown would no doubt mitigate considerably the force of the objections which had been taken to the clause. Nevertheless, he would point out that the introduction of such words would offer a premium to landlords to disturb all existing tenancies, and thereby to increase annoyance and vexation.

Mr. W. H. GREGORY said, that whilst agreeing with the Prime Minister in thinking that something ought to be done to reach the cases of exorbitant and monstrous rents which were exacted in some instances in Ireland, he was of opinion that the Amendment of the right hon. Gentleman was open to the objection made to it by the noble Lord opposite (Lord John Manners) that discontent and suspicion would be created by new arrangements: there was nothing which Irish tenants disliked so much as new arrangements made by their landlords. What he feared from reading this clause in conjunction with Clause 17 (Restriction on eviction of tenant) was, that the result would be fixity of tenure without any payment of rent.

Mr. SYNAN said, he did not think the Amendment suggested by the Prime Minister would improve the clause. He thought that the Bill should be so framed as to affect the bad as well as the good landlord.

Mr. BRODRICK said, the Amendment of the hon. Member for Suffolk (Mr. Corrance) included that which stood in his (Mr. Brodrick's) name, and the question he wished to raise was, whether the Court was to act in the matter of rent as an arbitrator or not. He understood from the Prime Minister's statement in introducing the Bill that he wished the Court to be exonerated from that unpleasant duty. It appeared to him that the words "special grounds" would place on the Judge the duty of deciding whether the rent was excessive. He thought that in the interests of the landlord, of the tenant, and of the Court itself, it was undesirable that the Court should act as an arbitrator on the question whether rent was excessive or not. Rent was not frequently excessive in Ireland. Rent was not necessarily unfair because it was high; and, looking at the question broadly, having some practical acquaintance with the letting of land both in England and Ireland, he believed that Ireland was not so highly rented as the corresponding area of soil, with corresponding agricultural conditions, in England. It was doubtful kindness to continue a tenant in occupation after the rent had fallen permanently into arrear. He did not say that allowance should not be made for bad seasons; but when a tenant had fallen into a state of impecuniosity, he first got rid of his stock, he could afford to buy no manure, the land became overcropped, and it was true kindness to say to him—"You have failed in this occupation; you must seek some other." To say that there was no choice between farming and the workhouse was rather a strong statement. He himself knew instances in which men who had ceased to be tenants had become prosperous, thriving agricultural labourers, or, being able to retain a horse and cart, had obtained profitable employment as carman. He ventured, therefore, to say that in the interest both of the tenant and the landlord, it was not desirable that the tenant should be encouraged by any uncertainty to raise questions whether the contract was a fair one, or whether the rent was, or was not excessive, when he had ceased to pay it; nor was it desirable that so onerous a duty should be imposed on the Court as constituted under this Bill. The question as to the value of the land under peculiar circumstances and at a particular time was not one which could be submitted with advantage even to what Sydney Smith called "that favourite animal of the Whigs"—a barrister of seven years' standing. There were in Ireland assistant barristers of learning and ability whose opinions commanded great respect; but others owed their appointments to purely political considerations, and their decisions carried no weight. They must be assisted by assessors, and he doubted whether, in Ireland, the supply of competent men would equal the demand. At all events, his opinion was, that to raise questions whether there were not special circumstances making the rent excessive, and special circumstances which raised a bar to the ejectment, would be to do an injury to all concerned, and impose on the Courts duties which they were wholly incapable of fulfilling to the satisfaction of the parties and of the country. He was afraid the result would be to drive landlords to short cuts, and the Committee might depend upon it that there were short cuts in the Bill; and in driving them to have recourse to commercial principles as their guide Parliament would destroy the last semblance of confidence between these classes, the principal sufferer being, not the landlord, but the tenant.

Lord ELCHO said, he wished it to be clearly understood that the Government of this country were now for the first time proposing to fix the prices of an article. ["No. no!"] Land was an article, and rent was its price. Hitherto rent had been regulated by the laws of supply and demand; but the Government proposed by this clause that the Courts in Ireland should lay down the price at which it was to be held; and that was the question distinctly at issue.

Sir JOHN ESMONDE said, he would point to the case of a poor woman on his own property. A middleman had raised the rent of her holding from 23*s*. an acre to 40*s*., the Government valuation being only 16*s*. Now, if the proviso under the notice of the Committee were left out of the clause, a case of that kind would be left completely untouched.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, no doubt the clause required attention and consideration, but in reply to the noble Lord the Member for Haddingtonshire (Lord Elcho), he must maintain that the Government were not proposing by the Bill to undertake anything like a regulation of prices. Even if they did so, it would not be the first time that such a thing had been done in this country. The clause as it stood was very simple in its wording. It provided that—

> "For the purposes of this Act ejectment for non-payment of rent shall not be deemed disturbance of the tenant by act of the landlord, unless the Court decides that it ought on special grounds to be so deemed in the case of a person claiming compensation on the determination of a tenancy existing at the time of the passing of this Act."

If it were not for that provision the determination of a tenancy by an ejectment, founded on non-payment of rent, might be a disturbance by the act of the landlord, which the clause declared it should not be, except in particular cases; and there were cases which even the noble Lord the Member for Haddingtonshire would, he was sure, admit ought to be considered by the Court as cases of disturbance, though the proceeding happened to be a question of ejectment for non-payment of rent. There were many tenancies in Ireland in which there was what was called "the hanging half-year's" rent, and tenants who did not hold on estates where "the hanging half-year" was known were spoken of as English tenants — that is to say, tenants who were made to pay their rent up to the last gale day. In the cases of "the hanging half-year," when the rent was paid on the 1st of May this year, that was the rent not for the half-year ending that date, but for the half-year ending 1st November, 1869. Some landlords gave a receipt accordingly, but others gave it in general terms leaving it to the tenant to find out up to what date it was given. Then there were the "hanging gales," or rents, due from the famine time. In some cases the arrears had been written off by the landlord, but in others they were kept in reserve, and the result was, that a tenant might be evicted technically in the eye of the law for non-payment of rent when, in accordance with justice, such really would not be the case. Such instances were, he admitted, few in number, but it should be recollected that the Committee was engaged in making a law to meet hard cases of that kind. Now, it was said that hard cases made bad law; but one of the most distinguished Judges who ever sat in Westminster Hall had given it as his opinion that bad law very often made hard cases. The hon. Member for Mid-Surrey (Mr. Brodrick) had passed a deserved eulogium on the Civil Bill Judges in Ireland, who were, he believed, without exception, most competent men, those being not the least so who had been appointed by the late Government. Those Judges would not be over-burdened with work, and they would, he had no doubt, discharge their duties well. They would have no difficulty in deciding what constituted "special grounds," and the clause, modified in the way suggested by his right hon. Friend at the head of the Government by the insertion of the words, "and continuing to exist, without any alteration of rent, to the time of their determination," would work satisfactorily. The result of the whole clause thus amended would be that an ejectment for non-payment of rent would not be deemed a disturbance of the tenant, unless in the case of a person claiming compensation on the determination of a tenancy existing at the time of the passing of the Act, and continuing to exist up to the time of its determination without any alteration of rent. In that shape the clause would apply only to a limited class of cases, and to those only in the event of special grounds being shown.

Mr. M'CARTHY DOWNING said, that he knew large estates on which a year's rent was always left in arrears, and he would put it to the Committee whether a tenant so situated was not very much in the power of his landlord. His objection to the clause was, that not one of the Judges of the Civil Bill Court, if the clause was passed, would consider himself at liberty to enter into the question whether the rent was excessive or not, though there might be many cases where it could be clearly proved. He knew of a case where the Government valuation of the holding was 11*s*., but the tenant was charged 30*s*. In such cases a Judge ought to have power to interfere.

Mr. BRUEN said, the "hanging gale" was deemed a great privilege in the part of Ireland from which he came, and the tenants were doing all they could to retain it. It might not be desirable to establish such a custom in new tenancies; but with regard to the old ones great dissatisfaction would be expressed if the "hanging half-year's" rent were abolished. In point of fact, the landlord allowed the tenant to remain in possession during the first half-year for nothing at all, in order that he might have some capital left in his hands.

Question put, "That the words 'unless the Court decides that it ought on special grounds to be so deemed' stand part of the Clause."

The Committee *divided*:—Ayes 132; Noes 55: Majority 77.

Mr. M'CARTHY DOWNING said, the words which the Solicitor General for Ireland was about to introduce would, to a great extent, meet his objection to the clause, and he would, therefore, not press the Amendment which stood in his name.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he would now move, in page 7, line 35, after the word "Act" to insert the words,—"and continuing to exist without any alteration of rent up to the time of such determination."

Dr. BALL said, that until now he had not been able to understand the phrase "on the determination of the tenancy" as meaning "by the ejectment for non-payment of rent. No person, on first reading those words, would imagine that they referred to an ejectment. When he first read them they conveyed to his mind a totally different impression. Therefore, it would be better to make the meaning plainer.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, that the clause throughout referred to the ejectment. He confessed that the meaning attributed to it by the right hon. Gentleman had not occurred to him; but then, he had only a simple mind.

Mr. C. S. READ asked whether an increase of rent by the landlord would be deemed an alteration or a determination of the tenancy?

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he might answer to that question—Emphatically, no.

Mr. SYNAN said, he feared that the words would offer an inducement to landlords, in some cases, to increase their rents, and so to get from under the operation of the clause. But in another point of view he approved the clause, for it met the point about which the Member for Cork County (Mr. Downing) was anxious.

Words *inserted.*

Clause, as amended, *agreed to.*

Clause 9 (Derivative title of tenant).

Clause *agreed to,* with Amendments.

Clause 10 (Partial exemption of certain tenancies).

MR. CHICHESTER FORTESCUE said, it was unnecessary to ask the Committee to discuss the first part of the clause, as the Government intended to give perfect freedom of contract to parties above the line of £50 valuation. To all tenants below that line the protection which the Act gave would be extended; but above that line parties would be at liberty to make contracts, no matter in what respects these contracts might differ from the basis of the Act. It was, accordingly, unnecessary to enact special provisions relating to tenancies above the line of £50. He proposed to omit the first part of the clause, down to the words "landlord. And" inclusive.

Clause, as amended, *agreed to.*

Clause 11 (Exemption of certain lands).

COLONEL BARTTELOT proposed in page 8, line 29, after "or" to insert, "any holding commonly known as town parks." These town parks had existed for centuries, and they consisted essentially of land used by people living in a town, the extent being from one to five acres, and the occupancy changing excessively often.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, it was never intended that town parks should be included under the general provisions of the Bill; but he proposed, in place of the Amendment of the hon. and gallant Gentleman (Colonel Barttelot), to insert words taken from the Bill brought in by Mr. Napier in 1852—

"Any holdings ordinarily termed town parks adjoining or near to any city or town which shall bear an increased value as accommodation land over and above the ordinary letting value of land occupied as a farm, and which shall be in the occupation of any person residing in such city or town or the suburbs thereof."

MR. M'CARTHY DOWNING said, this Amendment would affect a large number of persons living in small towns, or rather agricultural villages, whose farms of 10, 15, or 20 acres lay just outside. He would rather leave it open to the Court to decide what was a town park.

MR. CHICHESTER FORTESCUE pointed out that, according to the Amendment, these must be town parks, with the further condition that they should be above the common agricultural value, and should be accommodation land used by persons resident in the town.

DR. BALL said, he would suggest that the words "shall bear an increased value as accommodation land, &c." might be omitted. The words "town parks" carried all that was wanted.

MR. SYNAN said, he did not understand the exception of these holdings, unless the land at some time or other were wanted for building purposes, and with a view to make the Amendment more definite, he would propose to introduce after "accommodation land" the words "for building purposes."

MR. SHERLOCK said, his hon. Friend (Mr. Synan) seemed to think that what was meant by "accommodation" land was land for building purposes; but almost every one knew that butchers used these lands for feeding their cattle, and that dairymen also rented fields for their own purposes. But these lands were used rather with a view to temporary accommodation than as regular holdings.

MR. CHICHESTER FORTESCUE said, what were called "town parks" were not used for building purposes; but often for growing cabbages or providing grass for cows. They were almost always attached to houses in the adjoining town, and when the houses changed their occupiers the lands changed them too.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 8, line 29, after "or," to insert—

"Any holdings ordinarily termed town parks, and adjoining or near to any city or town which shall bear an increased value as accommodation land over and above the ordinary letting value of land occupied as a farm, and which shall be in the occupation of any person residing in such city or town or the suburbs thereof."—(*Mr. Chichester Fortescue.*)

MR. SYNAN proposed after the words "accommodation land" to insert "for building purposes."

MR. MAGUIRE appealed to the hon. Member to withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Amendment (*Mr. Chichester Fortescue*) *agreed to.*

Mr. CHICHESTER FORTESCUE said, an addition must be made to this exemption clause to meet the case of grass farms. He would, therefore, propose to insert the following words:—

"Or any holding used for purposes of pasture only, provided that nothing herein contained shall prevent the tenant of such holding from making any such claim as he would otherwise be entitled to make under section 4 of this Act."

Dr. BALL said, that where a farm was substantially a pasture holding, but by permission of the landlord a few acres were devoted to tillage, there was no reason why they should take it out of the exemption.

Mr. W. H. GREGORY said, his right hon. and learned Friend (Dr. Ball) was quite correct. In almost every one of these grass farms a portion of the land was given to the herdsman for the express purpose of tillage. It would, therefore, be well to introduce some qualifying words into the Amendment.

Dr. BALL said, he thought the words "pasture farm" might be used.

Mr. CHICHESTER FORTESCUE said, he thought if the Amendment ran thus, "any holding used wholly or mainly for purposes of pasture," it would be unobjectionable.

Mr. SYNAN said, he understood that the great complaint was about the large graziers who paid, perhaps, £10,000 a year rent. Would the right hon. Gentleman the Chief Secretary for Ireland state what was the extent of the farm to which his proposal would apply? He represented a county — Limerick — in which an occupier might have 20 acres for cows and only one acre for tillage, and, therefore, he protested against this Amendment, unless it was qualified by a statement as to the extent of tillage.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, the intention of the Government was to exclude pasture lands from the effect of the operation of the 3rd clause, and when the First Minister of the Crown made an announcement to that effect there was a general expression of assent from both sides of the House. Many hon. Members who had put no Amendments at all on the Paper were exceedingly anxious to have an Amendment of this kind proposed. His hon. Friend (Mr. Synan) spoke of small pasture farms of 20 acres; but, for his part, he did not see where the line could be drawn. Would his hon. Friend suggest where it could?

Mr. SYNAN said, he accepted the challenge, and he would suggest as a limit 100 acres of *bonâ fide* pasture. The occupier of such a farm was as much entitled to compensation as any other class of agriculturists, for he and his predecessors might have laid out their money in improving it.

Mr. C. S. READ said, if a tenant had expended capital in the improvement of pasture land, he would under another clause receive back every penny to which he was entitled. He would suggest a valuation of £50 as the limit.

Mr. W. H. GREGORY said, there was certainly a difficulty in the matter. There was no doubt in the world that in Limerick, and some other counties, there were small pasture farms such as his hon. Friend (Mr. Synan) had described, which it would be a hardship to include among the exemptions. He would propose, as an exception, that these words should be inserted, "where the tenant does not actually reside on such holding."

Mr. CHICHESTER FORTESCUE said, he thought the limit proposed by the hon. Gentleman opposite (Mr. C. S. Read)—namely, £50 valuation—if there was to be a limitation at all, would be the best to adopt. If they took residence as a test, they would be involved in very considerable difficulty.

Mr. M'CARTHY DOWNING said, he also believed the best guide they could adopt would be a valuation not exceeding £50. He did not think the large graziers were much entitled to be considered; they had done a vast amount of injury, and were of little use in the country in giving employment.

Mr. MAGUIRE said, the large graziers in Meath and some other counties, who had swallowed up the small farmers, had no claim whatever; and it would be the best policy to except them from the operation of the Bill. The small men ought to have the advantage of the measure.

Mr. SYNAN said, the Amendment he wished to have inserted was to this effect—"Where the holding is not less than one hundred acres, on which the tenant resides."

Mr. M'CARTHY DOWNING said, it would be utterly impossible to adopt the limitation of a certain number of acres, because 100 acres in the county of Limerick might represent a very high rental, while in the county of Cork it would represent a very low rental. The only equitable way of doing what they desired was by fixing upon a certain valuation.

Mr. SYNAN said, he would move to amend the Government Amendment, embodying the suggestion of the hon. Member (Mr. C. S. Read), and instead of "£50" to insert "£200, and on which the tenant does not reside." This would meet the case of those extensive graziers who had got together a great many acres of land in a manner involving a great sacrifice on the part of the smaller occupiers. It would be a perfect protection to those who required protection, and would do justice to all parties.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he hoped that the hon. Member (Mr. Synan) would not press his Amendment. It was well known that the valuation was not a correct index to the rent, and the Amendment just moved would require a rental of £300. The Government were willing to accede to the proposal made by the hon. Member for South Norfolk (Mr. C. S. Read), and to insert £50, and that would meet all the justice and equity of the case. The residential test was quite illusory.

Amendment (*Mr. Synan*) *negatived.*

Amendment (*Mr. C. Fortescue*) *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill.

Clause 12 (Proceedings by tenant).

Mr. HEADLAM said, that, in consequence of the withdrawal of the Amendments which he had proposed to introduce in previous clauses, and the object of which was to facilitate the purchase by the landlord of the tenant-right on his land, he felt bound to withdraw the Amendment which stood on the Paper in his name on the present clause. He wished, however, to ask the Solicitor General for Ireland to be kind enough to define clearly the Ulster tenant-right, and the powers which would be given to the tenant under the clause. He would move his Amendment *pro formâ* in order to give the hon. and learned Gentleman an opportunity of answering his question.

Amendment proposed, in Clause 12, page 8, line 39, after "entitled" leave out to end of Clause, and insert—

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"To the payment of any sum under any of the usages mentioned in the first section of this Act, and about to quit his holding, may within the prescribed time make a requisition in writing on his landlord for the payment of the sum he claims under the usage applicable to the land he is about to quit, and thereupon the landlord, if there is no dispute as to the amount, may either pay the same to the tenant, and thereupon the land shall be freed and discharged for ever, or the landlord, without raising the rent, may allow the tenant to sell his occupation to any solvent tenant, to whom the landlord shall not make reasonable objection, and thereupon the land shall continue liable to such usage, but all claims of the outgoing tenant shall be deemed satisfied."—(*Mr. Headlam.*)

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he was glad that the right hon. Gentleman (Mr. Headlam) had refrained from pressing his Amendment, because it appeared to be open to every objection which could possibly be made. In answer to the right hon. Gentleman's question, he had to reply that the Ulster tenant from year to year would have an estate equivalent to an estate in fee-farm in his occupancy, which he would be entitled to sell to an incoming tenant and to convey by deed. The Bill proposed to legalize, but it did not propose to define the Ulster custom; and it also legalized all the incidents of that custom. If the Ulster landlord chose to break through the Ulster custom and evict his tenant, the Ulster tenant would be able to bring him into Court under the provisions of this clause, where he would be compelled to pay such compensation as the Court might think fit, after a careful consideration of all the circumstances attending the individual case. If the landlord allowed his tenant to sell to some incoming tenant, there would be no occasion to come into the Court at all, and he believed that would be the way in which matters would usually be settled; but if they did come into Court, this clause provided the machinery for proceeding, not only with regard to compensation under the Ulster custom, but for compensation in all other cases whatever where compensation was provided for in this Bill.

Sir JOHN GRAY said, he objected to the clause, because by its provisions no man could make a claim until he was about to quit his holding. Now, the Ulster tenant-right did not mean that a man was to be compensated for being evicted from his holding; but that he was to have a right of continuous occupation, with power to sell his interest therein whenever he pleased. There was no such provision in this clause, which did not contemplate either fixity, security, or stability of tenure, or the practice of Ulster, which was not to evict, but to obtain from the tenant such an improved rent as the circumstances of the case might warrant. That custom was legalized by the 1st clause of the Bill; but this clause did not provide for that continuity of occupation which was the essence of the Ulster tenant-right.

MR. CHICHESTER FORTESCUE said, he would not criticize the hon. Member's (Sir John Gray's) definition of tenant-right, it not being his business to do so at this stage of the proceedings; but he maintained that there was nothing in the Bill which would diminish the Ulster custom by one hair's breadth. The Bill would enforce that custom, neither adding to it nor detracting from it. This clause was not confined to cases of eviction, but would apply to all cases in which there was a change of tenancy. It merely related to procedure—to the form by which the other clauses of the Bill were to be put into force.

DR. BALL said, he was of opinion that by the Bill a landlord could only interfere with the Ulster custom by ejecting his tenant, which he would do subject to certain penalties. The Bill legalized the existing custom; but, in addition, gave to the tenant a remedy which he did not now possess.

SIR JOHN GRAY said, he was afraid he had been misunderstood. He meant that the custom of Ulster was that of continuous occupancy; but giving a man compensation after eviction was not an enforcement of that custom by which a tenant had a right either to transmit his occupancy, or to transfer it to a third party for a money (or another) consideration.

SIR JOHN SINCLAIR said, he thought that the Amendment would be entirely inoperative. It was not likely that the Ulster landlord would buy up his tenant's right, because if he did so he would only bring himself in relation to his tenants under the operation of the 3rd clause. He believed that any landlord, having regard to his own interest, would find it very much more to his interest to leave a tenant in possession than to evict him. But he wished to ask how the tenant-right was to be preserved if a landlord chose to increase the rent? Suppose a tenant under the Ulster custom wished to go to America, and sold his right to a stranger, the landlord might say—"I have allowed you to hold your farm at a low rent, because you and your ancestors have held it for generations; but now you are about to bring in a perfect stranger, and I will, therefore, raise the rent to a fair and full value of the holding." Would the Court allow this increase of rent? He understood that tenant-right was proportionate to the rent, and therefore the increase of rent would decrease the value of the tenant-right.

MR. HINDE PALMER said, the Committee were not discussing the principle of compensation, but merely directing by what mode a tenant who was entitled to compensation should enforce his claim before the proper tribunal. To return now to discuss the principle of compensation would be very inconvenient, as that had been settled by the previous section of the Bill.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, in answer to the question how it was proposed to deal with the Ulster custom when the landlord raised the rent and thereby made the custom of no avail, it was not proposed to legislate on that point at all. What the Bill proposed was to take the facts of the Ulster custom as they existed and to make them legal—that was to say, to render that which was now morally binding on the Ulster landlord legally binding. As far as the custom allowed the tenant to sell his estate, there was no occasion for him to go into Court at all; but if the landlord by any proceeding deprived the tenant of any right, then the tenant could go to the Court and get compensation, or have fully carried into legal effect any right which the law gave him.

MR. SYNAN said, that Section 12, as originally framed, was defective; but he considered that, as amended by the Chief Secretary for Ireland, it was much improved.

Amendment *negatived.*

MR. SPENCER WALPOLE said, in reference to the present clause, taken in connection with Clauses 13 and 14, it was important that everything should be made as specific as possible, both in regard to the claim made by the tenant and in respect to the objections urged to it by the landlord, so that the Judge might be enabled to determine the point without going into collateral matter. He thought that the requisition to the landlord by the tenant for payment of the sum claimed by him should state the amount as well as the particulars in respect to which compensation was claimed.

Mr. CHICHESTER FORTESCUE said, the object which the right hon. Gentleman had in view would be effected by Amendments about to be proposed.

Amendment proposed, in Clause 12, page 9, line 2, leave out, "in respect," "which," and "compensation is claimed," and insert—

> "Claim, and where such claim or any part of the same is in respect of compensation under the provisions of section three of this Act, the number of years' rent claimed shall be specified."—(*Mr. Chichester Fortescue.*)

Mr. SPENCER WALPOLE said, he thought that the amount should be stated.

Mr. SYNAN said, the Ulster custom was a right to sell, and it would be impossible to state any amount.

Mr. SPENCER WALPOLE said, his object was to get the claim stated distinctly, so that the Judge should have something to determine.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he wished to do everything that possibly could be done to make the claim specific.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 13 (Proceedings by landlord) *agreed to,* with verbal Amendments.

Clause 14 (Equities between landlord and tenant).

Mr. CHICHESTER FORTESCUE proposed, in line 14, to leave out "in respect of compensation."

Amendment *agreed to.*

Mr. G. B. GREGORY said, he had placed on the Notice Paper an Amendment for including in the subjects of consideration by the Court the length of the tenant's occupation and the rent paid. He desired to substitute for this Amendment words proposed by the right hon. and learned Gentleman (Dr. Ball) upon Clause 3, but not pressed by him. The clause allowed either party to make any claim, urge any objection to the other's claim, or plead any set-off he might think fit—

> "Including in the case of a landlord any moneys paid on account of the purchase of the right of the tenant under the Ulster tenant-right custom or such usage as aforesaid."

The Amendment he desired to move would follow these words, running thus—

> "And including the terms and conditions subject to which the tenant originally obtained possession of his holding, the period of actual enjoyment by the tenant, the rent payable by the tenant during such his period of enjoyment as proportioned to the fair letting value of the holding, and any special circumstances connected either with the cultivation of the holding or with the mode or incidents of the termination of the tenure."

Having regard to the fact that this was the only provision upon which the landlord could rely for the purpose of meeting his tenant's claim, the landlord might fairly ask that the Judge should be specially directed by the Act to take these points into consideration. The Amendment would, therefore, define the rights of the landlord more completely than the clause now did.

Mr. GLADSTONE said, he must complain of the production of an Amendment of such importance without any Notice, and when it was almost impossible to give a decided opinion respecting it. He saw that one of the circumstances to be taken into consideration by the Court was the period of actual enjoyment by the tenant. Which way was this to tell? Was it to increase or reduce the damages? Again, with regard to the rent, was a low rent to increase or diminish the damages? He did not think that, upon the terms of this Amendment, the Committee were in a position to say "aye" or "no" to those questions. The clause was the result of much consideration. He did not say that it might not be improved; but he had hitherto heard no suggestion which seemed to him to be an improvement. The clause was so widely drawn that anything of real urgency might be considered by the Court, and if any specifications were introduced, the result might be to narrow the subjects of consideration instead of enlarging them.

Dr. BALL said, that in discussing the 3rd clause he had stated the objections to his own Amendment, now proposed—namely, that, although it mentioned the subjects fit for judicial consideration, it did not indicate the direction in which the Court should proceed in considering them. But the objection to the mode in which the Bill was framed by the Government was immeasurably stronger. The Bill neither indicated the subjects to be considered, nor the views to be entertained respecting them. He had understood it was the intention of the Government to introduce into the Equities Clause some more specific indication of the subjects for consideration by the Courts in administering the scale. If it were only to preserve uniformity of decision, this was needed. There would, in the first instance, be 32 Judges to carry out the Act. From them an appeal would lie to the Judges at Assizes, who, again, would reserve certain questions for the Central Court. If you allowed 32 different minds to decide, without any guide, from the Act itself, upon the questions they were to consider, how could you possibly have uniformity? One Judge would say to a tenant—"You have occupied the land for 50 years; you have, therefore, had a long-continued enjoyment, and I shall only give you one year's compensation under the Disturbance Clause." Another Judge would say to a man in the same position—"You have occupied the land for many years, and are, therefore, deeply-rooted in the soil; I shall give you seven years' compensation." So, again, as to rent. One Judge would say—"You have been allowed to live on the land upon very favourable terms; you must, therefore, have had three times over the benefit to which you were entitled;" while another Judge would say—"The rent is so low that this is a really valuable holding, and you shall have seven years' compensation." He knew of no instance in which a matter of this importance was flung so entirely to the uncontrolled discretion of individuals; and we should probably have to say of this jurisdiction, what Selden said of equity — that it varied with the length of the Chancellor's foot. It was quite clear that it was highly objectionable that 32 different Judges should be left to adjudicate on matters of such delicacy and difficulty, unguided and uncontrolled; and in respect of which, therefore, their views would necessarily be discordant. He was in hopes that the Government would have introduced words by which this objection would be obviated; but no standard was offered in the matter, and it was left wide to be the subject of arbitrary decisions. He had put on the Paper certain words, which he thought would indicate, if adopted, to the Judges what were the intentions of the Legislature as to the subjects of consideration on which the fluctuating scale of damages was to be apportioned, and he must confess that, as things stood, he was quite at a loss to know on what grounds a Judge could justify his decisions to the public in cases of disturbance in giving the tenant in one instance three, in another seven, and in a third one year's compensation.

MR. CHICHESTER FORTESCUE said, he did not understand that the right hon. Gentleman supported the Amendment of the hon. and learned Gentleman behind him (Mr. G. B. Gregory), and he was not surprised that he did not support it. The hon. and learned Gentleman proposed to compel the Court to take into consideration the length of the tenancy and the amount of the rent paid; but the Government were of opinion that they gave the Court sufficient discretion under the clause as it stood to take those and all other matters bearing on the question which they would have to decide into account. As to the time which a tenant might be in occupation of his holding, it involved considerations of a most difficult and ambiguous kind. The loss which he might sustain might not at all depend on the length of that occupation. A tenant who had been a long time in occupation of a holding might, for instance, not have so great a claim to compensation as one who had been for a shorter time. A tenant naturally looked forward with the expectation of unbroken occupancy, unless by some fault of his own he forfeited his tenure. The mere fact that a tenant was not long in occupation was not in itself a sufficient ground to ask Parliament to direct the Court to diminish or destroy the compensation due to the tenant; and the clause as it was framed being, in the opinion of the Government, calculated to give all that jurisdiction and discretion to the Court which it was advisable it should have, they could not agree to the Amendment.

MR. GORDON said, he was surprised that no indication had been given on the part of the Government that they intended to introduce Amendments into the clause. During the discussions on previous clauses they had frequently stated that, when the Committee came to the Equities Clause, they would take into consideration the Amendments which had been placed in the names of several hon. Members on the Paper; but now they declined to make any Amendment, so that many on his side of the House had been somewhat misled by their declarations. He was reminded by their conduct of an anecdote of a young counsel, who asked his leader what he should do in his absence, in the event of some difficulty being started by the Lord Chancellor, the answer of the latter being—"Just say you are coming to that question, and then, perhaps, it will never be again taken up." In the same way, the Government, when any hon. Gentleman was about to propose an Amendment, said—"Wait till you see the Equities Clause." But seeing that the right hon. Gentleman the Chief Secretary for Ireland admitted that the Amendment of the hon. and learned Gentleman behind (Mr. G. B. Gregory) involved a difficult and ambiguous question, he could not understand why the matter should be left to the decision of 32 Judges and should not be settled by Parliament itself. He should suggest the postponement of the clause.

Mr. GLADSTONE said, he believed that if the right hon. and learned Gentleman (Mr. Gordon) had been misled, he had no one but himself to thank for it. He (Mr. Gladstone) admitted that the clause under discussion had been frequently referred to in the previous discussions of the Bill, on the Government side of the House, and that they had suggested to the right hon. Gentleman the Member for the University of Dublin (Dr. Ball) to postpone an Amendment of which he had given Notice on the 3rd clause, on the ground that the 14th clause was the place for it; but he must point out that the right hon. Gentleman had not thought fit to propose that Amendment; and the hon. and learned Gentleman who had just sat down had the boldness to find fault with the Government for not having adopted it and proposed it themselves. The Government approved the clause as it stood, and the right hon. and learned Gentleman disapproved it; yet he had no Amendment to propose while he blamed the Government for not proposing one. Though the Government had no modes of their own to suggest for improving the clause, they were perfectly ready to consider any Amendments in it which might be moved by others.

Dr. BALL said, he was certainly under the same impression as his hon. and learned Friend near him (Mr. Gordon), that it was the intention of the Government, when the Committee came to the 14th clause, to propose alterations in it so as to indicate more distinctly to the Judges what it was they were to take into account.

Mr. MATTHEWS said, he had understood the right hon. Gentleman at the head of the Government, when the question as to the length of a lease as connected with the claim for compensation was under discussion, to say that they would take some points relating to it into their consideration.

Mr. GLADSTONE said, it was quite true he had stated that, in his opinion, it would be impossible for the Court, in judging a claim for compensation for damages on eviction, not to take into account the length of the term for which the land had been held. Suppose a tenant were evicted at the end of a 14 years' lease, he should say that the Court would not give the same damages as to a tenant from year to year.

Mr. GORDON said, he thought he was not incorrect in saying that the Government promised some amendment in reference to this matter. He submitted that the clause ought not to be proceeded with at present, but reserved for discussion at a subsequent period.

Mr. GLADSTONE said, he must object to the postponement of the clause, which was absolutely necessary for the purpose of consolidating this portion of the Bill.

The ATTORNEY GENERAL said, he wished to point out that the maxim—*Expressio unius est exclusio alterius* might operate in a manner not intended by those who wished the clause to be amended. The Government desired to do justice between both parties; and there was a danger lest, if a certain category of matters were specified, which were to be taken into consideration, the Courts might come to the conclusion that they were not at liberty to consider others. The Government thought it would be best to leave the clause as it stood; because, by enumerating all the particulars to which it should apply, they would be attempting a difficult if not an impossible task, while they would probably omit something which might subsequently turn out to be very material.

Mr. SPENCER WALPOLE said, he had no doubt that the Government were right in vesting large powers somewhere for determining the equities between the parties. Still, unless there were some guidance given to the Judge, great difficulties would arise. Claim after claim would be adduced, the expenses would be enormously increased, and a proper decision would hardly ever be arrived at. This clause must be considered in conjunction with the two preceding ones. In his opinion, there ought to be a specific claim urged by the tenant and a specific answer made to it by the landlord, so that a clear issue might be presented to the Court. Indeed, he felt confident that unless something more specific was introduced into these three clauses, the measure would not be workable except at a great expense, a result which would clearly be for the benefit of the landlord.

The CHANCELLOR of the EXCHEQUER said, that his right hon Friend (Mr. Spencer Walpole) objected to the clause on the ground that it was too general in its terms. The words of the clause were as follows:—

> "The Court shall take into consideration any such claim, objection, or set-off, also any such default or unreasonable conduct of either party as may appear to the Court to affect any matter in dispute between the parties."

His right hon. Friend maintained that these terms were too vague, and that the subjects to be taken into consideration ought to be distinctly enumerated. Now, without arguing the point in the abstract, he would take a practical analogy. This was a question of finding damages, and damages were found in England not by the Judges to whom it was proposed to leave the assessment of them under this Bill, but by juries. Did anyone ever hear, however, of an Act of Parliament which tied up juries to deal only with certain matters? On the contrary, was it not notorious that the observation of juries ranged over the whole conduct and dealings of the parties, and that they took into consideration every circumstance they thought proper? It was admitted that the administration of justice by juries was found satisfactory in this country; but if an attempt were made to tie up juries by special enactments as to the circumstances they were to take into consideration, the institution of trial by jury would be deprived of all its value. The same observations applied to the County Court Judges. This, he thought, was a better answer than any abstract reasoning could be to the objection raised by his right hon. Friend.

Mr. MATTHEWS said, he would remind the right hon. Gentleman that juries were strictly tied down in every species of action with regard to the measure of damages. If a jury gave excessive damages, their verdict might be set aside and a new trial granted. It was a rule that the damages must represent the money value of the plaintiff's right which had been infringed. His objection to the Bill was, that it conferred on the tenant no specific right or privilege, though it granted him the vague power of claiming compensation. Under the clause the tenant would either get a good deal or nothing at all.

The CHANCELLOR of the EXCHEQUER said, the hon. and learned Gentleman (Mr. Matthews) had, with an ingenuity he could not sufficiently admire, mixed up two wholly different things. His (the Chancellor of the Exchequer's) remarks had reference, not to the quantum or amount of damages, but to the misconduct or default for which the damages were to be awarded. The amount of damages was already limited by the scale of compensation, and consequently the limit the hon. Gentleman desired was already provided by the Bill. This was a distinct question, however, from that of allowing the Judge to decide what circumstances ought to be admitted as bearing on a particular claim. He could not agree with the hon. and learned Gentleman that juries were strictly limited in the assessment of damages. Take, for example, the action at law, which was most similar to the case now under consideration. The Committee were considering the case of two persons who had entered into a contract which one of them put an end to, much to the disgust of the other. This was very much like a case of breach of promise of marriage. Could the hon. and learned Gentleman get up and define the exact scale of damages for such cases?

Mr. WEST said, he hoped the Government would not permit the insertion in the clause of any definition limiting the manner in which compensation was to be assessed. He thought that the fears of the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole), as to an increase in litigation, were illusory. It was said that there was no precedent for this legislation; but the Act known as Cardwell's Act, which prevented railway companies from making contracts with carriers, was of an analogous character. It was predicted at the time that that Act would lead to endless litigation; but although there was some increase of litigation at first, that ceased, and the Act was generally acquiesced in, and had proved one of the most beneficent Acts which had been passed for many years.

Sir GEORGE COLTHURST said, he understood the First Lord of the Treasury to say that if the landlord had offered the tenant a reasonable lease, he should be able to cite the fact in Court as an answer to a claim for compensation. He hoped that proposition would be embodied in the Bill.

Mr. G. B. GREGORY said, he was willing to withdraw his Amendment on the understanding that this clause would be further considered.

In reply to Lord St. Lawrence,

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, the Court would have power to enter into all questions respecting the position of the tenant, and all circumstances connected with his claim.

Amendment, by leave, *withdrawn.*

Sir ROUNDELL PALMER said, he had given Notice of an addition at the end of the clause, and its object was simply this—Compensation under Clause 3 was intended to provide only for cases of improper and capricious eviction; and he considered that it would be desirable in the Equities Clause to fix that point, which was one of principle, in a manner clear and unmistakable. So far as the object he had in view was concerned, some encouragement had been given to him by his right hon. Friend at the head of the Government; the principle was recognized, and favourable consideration was promised for the substance of the Amendment. His right hon. Friend, however, was not satisfied at present with the words of the Amendment, and was desirous that it should be postponed till a later stage, in the hope that in the meantime some words would be suggested which would avoid difference of opinion. He therefore felt it his duty to defer to the wish of his right hon. Friend; but unless some other words were moved, he should undertake to move upon the Report, a clause in the same words or to the same effect.

Mr. GLADSTONE begged to thank his hon. and learned Friend for postponing his Amendment. So far as he understood the object, they were completely at one; but whether it was best expressed in the clause as it stood, or in such words as might be devised, there would be great advantage in more prolonged consideration.

Mr. SCOURFIELD asked the Government to explain the meaning of the words "unreasonable conduct." If two tenants could not agree, and the landlord ejected one of them, would it be taken into account in the assessment of damages?

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, if such "unreasonable conduct" had a prejudicial effect upon the estate, it would clearly come within the meaning of the words of the clause.

Mr. BRUEN said, he would withdraw the Amendment of which he had given Notice as to the judgment of the Court on a case of liability to a claim for compensation being a bar to all such claims arising before the date of such judgment. His intention was to move it on the Report.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he would now move to insert words having the effect of the Amendment proposed by the right hon. and learned Member for Dublin University (Dr. Ball) in an earlier part of the clause. He moved to add—

"The Court shall have jurisdiction at the hearing of such dispute to ascertain what sums, if any, are due by the tenant to the landlord under Sections 3, 4, and 6, or any set-off for unliquidated damages under the said sections or any of them."

Amendment *agreed to.*

Mr. LOCH said, he would beg to move at the end of the clause to add the following proviso:—

"Provided, That when a disturbance of occupation takes place by reason of the infraction or non-observance by the occupier of any rules or regulations established for the management of an estate, the Court may, in determining the amount of compensation, take the same into consideration in discharge or reduction of such claim:

Provided always, That the Court shall deem such rules and regulations to be in themselves just and reasonable, that their observance is conducive to the well-being of the tenantry on such estate, that the existence of such rules and regulations is known generally to such tenantry, and that due notice has been given in the particular case to the tenant so refusing or neglecting to comply with them."

The principal object of the Amendment was to prevent overcrowding, which was attended with the greatest possible mischief, and which ultimately reduced the people to the condition of pauperism.

MR. CHICHESTER FORTESCUE said, he did not think the Amendment was founded upon much knowledge of the ordinary system of land management in Ireland, or the relations of landlord and tenant in this country. With respect to the object in view, the Amendment added nothing to the power of the Court. That was complete without the Amendment. If a tenant deliberately violated some reasonable rule of an estate to which he had consented, that would unquestionably be unreasonable conduct within the meaning of the clause; and the Court would not fail to take it into account. But he did not think it necessary to impose these special considerations on the Court as being more deserving of its attention, or more imperative than others that might be suggested by the ingenuity of any hon. Member. He therefore hoped the Amendment would not be pressed.

Amendment, by leave, *withdrawn.*

SIR JOHN SINCLAIR said, he wished to know if a landlord wished to increase his tenant's rent 60 per cent, and the Court considered it exorbitant, and the landlord afterwards withdrew his demand for increased rent, whether he would thereby escape the payment of compensation for eviction?

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, that would not be an eviction or a disturbance. If, however, a landlord served his tenant with a notice to quit for refusing to pay an exorbitant rent, and proceeded to turn him out, he hoped the Court would impose the highest amount of damages that could be inflicted upon him.

Clause, as amended, *agreed to.*

Clause 15 *agreed to.*

Clause 16 (Lease in lieu of compensation).

MR. CHICHESTER FORTESCUE moved that the clause be omitted.

MR. BAGWELL asked for an explanation of the course proposed by the Government?

MR. CHICHESTER FORTESCUE said, he should have thought that his hon. Friend (Mr. Bagwell), after all that had passed, would have been sufficiently enlightened on the subject. The Government withdrew this clause, because they did not think it right to impose on one party at the will of the other the alternative tenure which was contemplated by its provisions. If the landlord chose to propose a lease containing such terms as the tenant would accept, then the alternative tenure would have effect. But the Government had made up their minds that simply to enable a landlord, by the mere offer of a lease, to set aside the provisions of this Bill, would be going too far, and would not be carrying out either their own views or the views of Parliament.

DR. BALL said, he thought that the *bonâ fide* offer of a lease by the landlord should go, at least, in reduction of damages; and if it did not operate as a bar, it ought, at any rate, to place the landlord in an advantageous position before the Court.

MR. CHICHESTER FORTESCUE said, the right hon. Gentleman was overlooking the Equities Clause which had just been passed.

DR. BALL: There is not a word about a lease in it.

MR. CHICHESTER FORTESCUE: The lease is referred to in the proper part of the Bill—one of the earlier clauses that the Committee have passed. If a tenant were unreasonably to refuse a lease, that would be conduct upon his part which would be taken into account. But the Government feel that the clause under discussion is not necessary, and accordingly move its withdrawal.

LORD JOHN MANNERS: As the Government are about to withdraw their own proposal, it would be convenient if the right hon. Gentleman would now state the reason why this clause was originally inserted in the Bill.

Question put, "That Clause 16 stand part of the Bill."

The Committee *divided*:—Ayes 148; Noes 250: Majority 102.

House *resumed.*

Committee report Progress; to sit again upon *Thursday.*

PARLIAMENTARY ELECTIONS BILL.

LEAVE. FIRST READING.

THE MARQUESS OF HARTINGTON, in rising to move for leave to bring in a Bill to amend the Law relating to procedure at Parliamentary Elections, said: Mr. Speaker, I am afraid I shall have to occupy the attention of the House for a longer time than I should wish; but I assure the House that at this early hour of the morning, I will not trespass upon its time more than in my opinion is absolutely necessary in order to explain the motives of the Government and the provisions of the Bill which it is my duty to move for leave to bring in. The Bill is founded mainly, but not entirely, upon the recommendations of the Select Committee which sat during the present Session, and over which I had the honour to preside. In one particular, I must begin by acknowledging the Bill is directly opposed to the recommendations of the Committee. I believe that this House has never considered itself to be absolutely bound by the decisions or recommendations of any Committee it has appointed, but has always reserved to itself complete liberty to reverse, alter, or modify any recommendations which such Committee may have made. But in this instance, I take it, the Committee on Parliamentary and Municipal Elections appointed last year was appointed rather for the purpose of collecting information, sifting opinions, and examining the subject generally than of establishing any fixed or definite conclusion, and therefore I, as Chairman of that Committee, do not feel so much hesitation as I otherwise might in proposing a measure which in one particular is decidedly opposed to the recommendation of the Committee. Now, the point on which the Bill and the Report of the Committee differ is, that of public nominations. I will at once proceed to state what was the recommendation of the Committee, and what is the proposal of the Government on this subject. The passage in the Report of the Committee which deals with this subject, is as follows:—

> "At some places of election, both in counties and boroughs, the addresses which are delivered are rendered inaudible by noise, tumult, and wilful interruptions; and occasionally serious disturbances, begun on the nomination day, are continued throughout the election."

That is by no means a too highly coloured statement of the case. In fact, I should be rather inclined to say, in the language used by some of the witnesses who were examined, that too often a public nomination is nothing but an expensive, a mischievous, and a useless farce, which tends to bring the Constitution of the country and representative institutions generally, into contempt, and which tends also to disgust the most peaceable and intelligent portion of the constituency with everything connected with elections. Sir, the Committee proceeded to give reasons which I shall ask the House to consider for the retention of the practice, but I will first state what is the plan which the Government propose. We propose that it should be the duty of the returning officer to announce publicly, as now, that on a certain day he will proceed at a specified place to the nomination or election, as the case may be, of the Member or Members to serve for the particular county or borough. He will name a period of two hours within a certain number of specified hours — that is to say, two hours between the hours of one and five—as the time during which he will receive nominations. Candidates will be nominated by the personal delivery, not the sending in, of nomination papers. These papers will have to be signed by the proposer and a seconder and eight other electors of the county or borough. The House will see by-and-by that there is an object in retaining a proposer and seconder as now, but in all cases the papers will have to be signed by 10 electors of the constituency. The delivery of these nomination papers will be made either by the candidate himself personally, or by the proposer or seconder of the candidate. The candidate will be permitted to withdraw his nomination paper, or in his absence the proposer and seconder may withdraw the candidate at any time within the two hours specified. If, at the conclusion of the two hours, no more candidates remain in nomination than there are vacancies to be filled, the returning officer will announce the result and publicly advertise it in the manner prescribed by the Bill. This operation will take place not altogether, but comparatively speaking in private. The persons who may be present at this nomination will be the candidate, accompanied by one of his friends, who may be his legal adviser, the proposer and seconder, or any of the electors who may have signed the nomination papers, but no other person will have a right to be present, unless by the special permission of the returning officer. The advantages which will result from this plan, in contradistinction to others which have been adopted in places where public nomination is not in force are these —It will be necessary that the candidates, their proposers and friends, should meet face to face. They will know before the expiration of the specified period who are their opponents and who are in nomination, and they will have an opportunity of deciding there and then whether they will make up their minds to go to the poll, or whether they will withdraw in favour of some other candidate who has been nominated, and whether they may consider it worth while to incur the expense of a contest. Now, it is necessary, I think, that I should very briefly glance at the objections stated by the Committee to the doing away with public nominations, and see how far the system I have suggested will meet those objections. The objections stated by the Committee are five in number. In the first place they state that—

> "On the other hand the abolition of the present system would, as it seems to us, tend to fetter the free choice of the electors, and would deprive a candidate of an opportunity of setting himself right with a constituency, in the event of misstatements as to his opinions or his character; and it would make it extremely difficult to prevent the putting forward of persons as candidates for mere purposes of annoyance, or the fraudulent withdrawal of others who were in favour with the electors. Again, it must not be forgotten that, in the majority of cases, proceedings at nominations are conducted in an orderly manner, and without any attendant evils, and that in the case of an uncontested election the whole proceedings are concluded and the return is made on the day of nomination."

Now, the first objection of the Committee, that it would tend to fetter the free choice of the electors, appears to me entirely opposed to one of their subsequent objections—namely, that it would make it extremely difficult to prevent the putting forward of persons as candidates for mere purposes of annoyance. I cannot myself see how the free choice of the electors would be fettered if, as I think is provided, ample opportunity be given to any 10 electors to bring forward a candidate of their choice, and if also ample opportunity be afforded them to demand a poll on behalf of that candidate. That it would deprive a candidate of an opportunity of setting himself right with the constituency in the event of misstatements as to his opinions or his character, is a statement which I must admit; and that, I think, is the one solitary objection I know of to the abolition of public nominations. I do believe there is an advantage in certain cases in public nominations, in enabling candidates to meet face to face before the whole constituency, and to challenge his opponents in public to repeat the misstatements which may have been made, and thus to give him an opportunity of refuting them. That there is some advantage in that I do not deny; but hon. Members must be aware that in the great majority of cases where such public explanation is necessary and desirable, the opportunity for it practically does not exist at public nominations, and that where such misstatements and reckless and unfounded assertions have been bandied about, and where, probably, a state of great excitement prevails, the candidate might just as well talk to the winds as try to "set himself right" at a public nomination. Again, as to the objection that it would be difficult to prevent the putting forward of persons as candidates for mere purposes of annoyance, it might be so if the system we proposed was that of merely sending in nomination papers, without personal attendance, and if the poll followed as a matter of course upon the sending in of those nomination papers. But I think that when the candidates and their supporters are brought face to face, and have an opportunity of seeing whom they are going to meet, and also of considering how hopeless will be the contest in which they are are about to embark, that will very much tend to check the practice of bringing forward persons as candidates for the mere purposes of annoyance. This is also the proper place for me to state to the House that the Government do not intend to propose to make any alteration in the existing law as to the incidence of the necessary expenses of elections. The candidate, or, failing the candidate, his proposers and nominators, will, according to our proposal, be still held to be liable for the necessary expenses of the election; and this also, in my opinion, will, if it does nothing else, at any rate act as a considerable check on the putting forward of candidates merely for the purpose of annoyance. Another objection stated by the Committee is, that abolition of public nominations will render it extremely difficult to prevent the fraudulent withdrawal of candidates who are in favour with the electors. That I own I am unable to see. Of course, corrupt compromises may be made between candidates in future, as they are made now. But the corrupt compromise is not made now upon the hustings; it is made, and must be made, always behind the scenes; there are ample opportunities now, if candidates and their supporters are disposed to make them, for making such compromises; and I do not see how the system we propose will tend to encourage them. The last objection stated by the Committee is, that in the majority of cases the nominations are orderly, and that in the case of an uncontested election the whole of the proceedings are concluded and the return is made on the day of the nomination. Well, if I have made clear to the House the system which the Government propose, it is evident that those advantages will also attend our system, and if there are not more candidates than there are vacancies to be filled the return in that case will likewise be made on the day of the nomination. That, I think, is all that I need trouble the House with on the subject of nominations. Of course it is hardly necessary to say that if there are more candidates than there are vacancies to be filled, it will be the duty of the returning officer to announce that a poll will be taken, and to make the necessary preparations for the poll. I must now explain to the House what are the views of the Government as to the mode of conducting that poll. I have alluded already to the evils which too commonly attend the public nomination of candidates; but those evils are, I believe, small compared with those which are reserved for the polling day. On the nomination day there is riot, there is disturbance, but it is generally mere senseless, purposeless, objectless rioting. It is for the polling day that is reserved the violence with an object and intention. It is for the polling day, or the day immediately preceding it, that are reserved the arts of the briber, the violence of all kinds, whether of moral intimidation or of the intimidation carried on by an armed body of men. It is scarcely necessary—the facts are so well known and so patent—for me to accumulate proof; but I think the House will allow me to read one or two extracts from the Report of the Committee on these subjects. And let me say here, that although the Committee were considerably divided upon certain points in in their Report, and certain recommendations were only made by a bare majority, in regard to all that part of their Report which contains statements of existing facts the Committee, I think, were tolerably agreed; and although the draft Report was considerably altered, the Report as it stands was agreed to after consultation, and without any very great difference of opinion on the part of the Committee. The Committee state—

> "The Returns in the Appendix to the Report of the Select Committee on Parliamentary and Municipal Elections in the last Session of Parliament show that both in former and in the last elections various corrupt practices, of which bribery and treating were the chief, have prevailed, and to such an extent as to invalidate many elections; and it cannot be supposed that either now or formerly have the whole of such practices been brought to light."

With respect to the intimidation in boroughs, they say—

> "It is certain, at least, that whether intimidation is extensively practised or not, the fear of it widely prevails among that class of voters who are liable to its influence. There exists during the the canvass in most boroughs a system of working upon voters through private considerations, whether of interest, hope, or fear, for political purposes, and this system enables undue influence, in a modified form, to be constantly practised."

Then, as to intimidation in counties, there is this passage—

> "It is certain, however, that an influence, exceeding, in a greater or less degree, the legitimate influence which a popular and respected landlord must always exercise in his neighbourhood, is often brought to bear on tenant-farmers, and other voters in agricultural districts. The agent frequently holds language which the landlord would shrink from using, but which the latter does not think it necessary to disown. An instance was given where tenants who had signed the requisition to a candidate all voted with their landlord against that candidate; another, where no tenant on the estate would promise the same candidate a vote until they had received an assurance from their landlord that they might vote as they pleased, on receiving which they all both promised and voted for the candidate opposed to the landlord's politics. The inducement to vote

> with the landlord may frequently proceed rather from the hope of future advantages to be conferred than from the fear of injury to be inflicted; but, of whichever character the inducement may be, we think that the influence so exercised comes under the description of undue influence, and, as such, ought, if possible, to be checked."

One more extract. After referring to the evidence as to elections in Ireland, and stating at some length the opposite views of different parties the Committee state—

> "We cannot doubt that there is some truth in the assertions made by both parties; and we are convinced that, under the present system of conducting elections, there exists in many boroughs and counties of Ireland no real freedom of election. We consider that some change is urgently required."

These are the statements agreed upon, I think I may say almost unanimously, by the Committee, and I think, without going further, I may confidently say the statements of the Committee are a sufficient proof that there is something in the present mode of conducting elections which imperatively demands a remedy. What are the remedies proposed? There are three remedies, and I believe only three proposed—namely, the use of voting papers, an increase in the number of polling-places, and vote by Ballot. Now, the use of voting papers, I think, I may dismiss as shortly as the Committee do in their Report—

> "A few witnesses have recommended the system of voting papers. Their chief recommendation is that the risk of riot on the polling day would be diminished. In our opinion, they would tend to aggravate some of the evils of the present system, by the facilities which they would give for bribery, for fraud, and for certain forms of intimidation."

I quite agree with this view; I think that such a remedy would be no remedy at all. Well, Sir, as to an increase in the number of polling-places, probably that may be a very desirable thing; but I do not think that any hon. Members will say it would be anything like an adequate remedy for the evils I have enumerated; besides which, I believe, there are at present ample powers in the hands of the magistrates to increase the number of polling-places, if they think that necessary. Then comes the third remedy proposed—that the votes be taken by Ballot. Sir, this is not the time nor the occasion for me to consider the abstract arguments for and against the Ballot; and if I should weary the House by stating the objections urged against secret voting, it is not for the purpose of entering into an argument, but to show the House that those objections have not been overlooked, and to consider how far they can be provided against by this or any other measure. The Committee have very fully and effectively stated the arguments against the Ballot. I think I am justified in saying that they were framed by a hand no means friendly to secret voting—

> "The principal objections which have been advanced against the ballot as applied to our own elections are—that the act of voting is a public duty, and should involve a public responsibility; that it would lead to hypocrisy and deception; that it would do little to restrain the practice of treating; that it would increase bribery, by making it more difficult to detect; that it would be wholly inoperative in the case of spiritual intimidation such as that which is alleged to exist so extensively in Ireland; that it would afford facilities for personation."

Now, as to the first objection—that the act of voting is a public duty. Of course, that is not only the first, but the main objection to the Ballot; and I confess it is one which I have always felt so forcibly that it has hitherto induced me to vote against the Ballot, and renders me reluctant to come to a different conclusion. I admit there can be no more worthy spectacle in a free and constitutional country than that of the constituencies returning Members of Parliament by an open, a pure, a tranquil, and, above all things, a free election. But I may say, Sir, that not one of those qualifications, unless it be accompanied by the others, will make an election satisfactory. An open election will not be sufficient unless that election is pure, tranquil, and, above all things, free. Freedom of election I take to be an essential characteristic of a satisfactory election. The other qualifications would be most desirable. The election ought to be open. It is very desirable it should be open, and very desirable that it should be pure—and purity I hope may be obtained. Certainly, it is desirable that the election should be tranquil; but I say again it is essential it should be free. This is, I believe, not a matter of opinion, but is laid down in the law of the country. I was very much struck with a passage in a judgment delivered by Mr. Baron Martin at the hearing of the Beverley Petition. He laid it down that when Parliament gave a man a vote it imposed upon him the duty of using it honestly and without undue influence. He described a variety of conditions which would amount to undue influence, and stated that if it were proved before the Judge that a considerable number of votes had been given under undue influence, the election would be a bad one by the operation of the common law alone. According to the learned Judge such an election would be void without the operation of statute law. That, therefore, well bears me out in saying that, above all things, it is necessary that elections should be free. Can it be said that the system of open voting has hitherto given us either pure, or tranquil, or free elections? An overwhelming amount of evidence, familiar to every Member of the House, gives a full contradiction to that supposition. It is, therefore, incumbent upon us that we should not hesitate to adopt some system of voting which will render our elections pure, tranquil, and free. Neither am I without hope that these advantages may be secured while yet the openness may not be altogether lost. It is well known that in our own Colonies, where the Ballot has been in operation for some time, when the necessity for secresy has disappeared the secresy itself also disappears; and that, when no one is disposed to take advantage of the knowledge, every voter votes just as openly and publicly with the Ballot as without it. Therefore, I am in hopes that under a system of Ballot the day may come when not only our desires in respect of purity, tranquillity, and freedom of election may be realized, but openness of voting may be also regained. Then I have one or two words to say as to the hypocrisy and deception said to be encouraged by the Ballot. I really feel scarcely qualified to decide the nice moral point that appears to be involved in this argument, whether it is more wrong to act a lie or to tell a lie. Those who argue that the Ballot will encourage hypocrisy and deception assume, of course, that the voter has some object in telling some one that he is going to vote one way when he is really going to vote the other. If he has the desire under the present system of open voting to vote one way, and yet in order to fulfil some obligation to another person he votes the other way, that, in my opinion, is acting a lie, whereas in the case of secret voting he will tell one. As I have just said, I do not pretend to decide in which case the greater moral guilt is incurred; but I do contend that the encouragement to hypocrisy and deception afforded by the Ballot will not be of very long duration, because when once the voting is proved to be perfectly secret no one will take the trouble to ask the voter which way he has given his vote. The argument that vote by Ballot will not do away with treating goes for nothing, unless it can be proved that it will tend to encourage treating. It is further objected that the Ballot will increase bribery and will afford facilities for personation. This objection, I admit, is one that requires careful consideration, inasmuch as it involves an examination into the different systems of secret voting. For my own part, however, I do not see that it necessarily encourages either bribery or personation. Under any system of either open or of secret voting, in order to establish either bribery or personation proof must be given that there has been a corrupt payment on the part of one person to another, or that some person has voted on behalf of another. These are facts that, under the existing system, must be established before some tribunal before any person can be punished for such an offence, and the proof of those facts does not appear to me to be necessarily more difficult in the case of secret voting than under the present system. I quite admit that under a system of absolutely secret voting, where it is impossible for any Court of Justice to ascertain how the vote has been given, some additional inducement might be held out to bribery and to personation, because, although the persons committing such offences might be discovered and punished, yet it would be impossible to strike off the vote in favour of the person bribing, because it would be impossible to identify the vote, and, therefore, the briber would obtain all the advantages he contemplated when he offered the bribe to the voter. Those making use of this argument do not, however, appear to be aware that there are systems of secret voting whereby it is quite possible, as has been clearly shown by the hon. Member for Huddersfield (Mr. Leatham), to identify the vote when necessary. I am prepared to say that, under such a system, the detection of bribery and of personation is quite as easy as it is under the open system of voting. It seems to me that under the system of secret voting the inducement to bribery is somewhat less than under the present system, because the person bribing will not have the same certainty that he has now that he will get the vote he purchased with his money. There are, however, objections to a system of possible identification of votes, the chief one being that if the Court can identify the vote other people may succeed in doing so, and that thus, in an anxiety to prevent bribery, the secresy which it was proposed to give the voter will have been taken away from him. Now, in my opinion, the test of a good system of secret voting is that it affords easy identification of the vote by the Court or Judge, while it renders it impossible or so difficult as to amount to practical impossibility that it can be identified by any other person. I will now state to the House what is the plan which the Government proposes, and how far it meets the objections to which I have alluded. Under the plan proposed by the Government it will be the duty of the returning officer to provide a sufficient number of polling stations—which word is intended to include all separate places where votes are taken, whether within the same building or not—to appoint deputy returning officers, who are to preside over each polling-station, and also to provide a sufficient number of polling papers for each station. He will not personally preside at any of the polling stations. They will be presided over by deputies. An agent, or some official like the present personation agent, may be appointed by each candidate—in writing—to represent him, to detect personation, and to watch over the candidate's interests. The polling papers will somewhat resemble cheques in a banker's cheque-book; they will have a counterfoil, on the face of which they will be numbered, either consecutively or in different series; but the counterfoil will bear on its face the same number the paper will have on its back. On each voter establishing a claim to vote, the presiding officer will give him a polling paper, at the same time entering the number of the voter upon the register on the counterfoil. The voter will then retire into a private compartment for the purpose of marking the ballot paper, and having done so he will fold it up in such a way that the names of the candidates on its face will not be visible, though the number on the back will, and he will place it in the ballot box in the presence of the returning officer. At the close of the poll the presiding officer—always in the presence of the agents of the candidates—will open the ballot box and take out the ballot papers, which he will unfold, placing them on their faces in such a way that neither he nor those who assist him will see the names of the candidates, but only the numbers on the back of the ballot papers. He will make them up into packets, which he will seal in the presence of the agents, who also will affix their seals, and the packets will be transmitted to the returning officer, who on receiving all the packets of voting paper from the various polling places will, also in the presence of the candidates' agents, proceed to open them, placing them in the reverse way to that in which they were placed by the presiding officers—that is, the faces of the papers upwards, so that the names of the candidates only are visible, the numbers on the back not being seen. He will then, in the presence of the agents, count the votes which have been given for each candidate, and at the conclusion will announce the result, and advertise it publicly in the manner provided by the Bill. There are other provisions relating to manner of voting by those who are blind, or cannot read, or are in any other way physically incapacitated, but we do not propose to enter into those refinements which have been suggested by my hon. Friend the Member for Huddersfield (Mr. Leatham), of printing the names of the candidates in different colours, or of using invisible ink, or anything of that kind, as we think it very desirable that the whole system should be as simple as possible. I may have failed to make this matter clear to hon. Members; but when they see the provisions as described in the Bill I think they will find this to be a very simple and easy way of taking the votes. We have only provided that the names of the candidates should be printed, and if the voter is blind or cannot read he must get the returning officer to mark the ballot paper for him. I should have stated that at the close of the poll the presiding officer will at once seal up and send to the Clerk of the Crown the counterfoils of the papers that have been used; and it will be the duty of the returning officer, after he has counted the votes which have been given for each candidate, to re-seal the packets and to send them also to the Clerk of the Crown to be preserved. The advantages which we think belong to this system are these—everything is done either in the presence of the candidate himself or in the presence of his agent, and therefore any attempt on the part of the returning or presiding officers to defeat the object of the Act in any way will be immediately detected by an agent in the interest of one or other of the candidates. We further think that the identification of the vote, if necessary, in a Court of Justice, will be easy, for we propose to adopt one of the provisions of my hon. Friend's Bill—namely, that a vote shall not be identified unless it has been proved to be a bad one before a competent Court; but when a vote has been proved to be bad it will be easy, by a comparison of the counterfoil, inscribed with the number of the vote on the register, with the voting paper containing the same number as the counterfoil, to prove for whom that bad vote has been given. We think it will be impossible, or so difficult as to be practically impossible, for any other person than the Court to identify a vote which has been given. The counterfoil will immediately be separated from the ballot paper, and by the system which I have endeavoured to explain it will be impossible for any person, without an evidently fraudulent proceeding—which would be detected immediately by an agent—to see both the names of the candidates on the face of the paper and the number on the back, which would give a clue to the identification of the voter. The Bill contains some other and very important provisions, two of which are referred to in the Report of the Committee, and are rather in the nature of Amendments to the Corrupt Practices Act than alterations in the mode of proceeding at elections. There will be a clause providing that no room shall be hired in any public-house, either as a committee-room or for any other purpose than that of holding a public meeting, at which a candidate shall be present. Some Members of the Committee were of opinion that the use of public-houses should be absolutely prohibited; but it was thought by a majority of the Committee that there were many places where no room could be obtained except in a public-house, and, therefore, it was thought not right to prohibit the use of a room in a public-house for holding a public meeting, although the Committee were unanimously agreed, that rooms in public-houses should not be used for the purpose of committee-rooms. There is another provision inserted in the Bill in pursuance of the recommendation of the Committee; and I shall best explain it by reading the paragraph from the Report of the Committee relating to it. The Committee state—

> "We have received evidence to show that the present provision of the law, which requires a return of the expenses of candidates is insufficient for its purpose, and fails in many cases to secure a full statement of such expenses; and we think that any payment made by a candidate, or his agent, on account of the election, and not included in the return of his election expenses, should be declared to be a corrupt payment within the meaing of the Corrupt Practices Act."

A clause to that effect is embodied in the Bill. It is, no doubt, a stringent clause, and would operate quite irrespectively of the nature of the payment, which might be one of the most innocent nature. Nevertheless, if it were not included in the return prescribed by law, the fact of making it would be sufficient to invalidate the election. Though the clause is stringent, and may lead to some cases to hardship and injustice, yet I believe that on the whole it would prove most useful and efficient. It would tend to reduce the expenses of the elections and operate as a great protection to candidates themselves. We know that frequently cases of the most painful description occur, when a candidate is drawn, contrary to his own wishes and determination, into corrupt expenditure. He knows nothing of such corrupt practices during the progress of the election, They have been committed by some injudicious friends, and he will not turn round on them; and often it is a most difficult point for a candidate to decide whether he should repudiate such corrupt expenditure. Under these circumstances I believe that the clause in question will greatly strengthen the hands of candidates, and cause them to announce that they will positively refuse to make any payment which is not included in the prescribed return of expenses. With regard to a Question put to me a short time ago with respect to the subject of the expenses of returning officers and the possibility of placing some check on them, I have been in communication with several persons who I thought might assist me in reference to the matter, and I find that there is more difficulty connected with it than I imagined, and though I do not despair of having a clause to meet the case, I should be unwilling at this moment to pledge myself on this point. There is only another matter to which I will refer, and that is the case of municipal elections. The Select Committee was appointed, as the House is aware, to inquire into the procedure at Parliamentary and Municipal Elections, and in the course of our inquiries we found that the proceedings at municipal elections needed amendment as much or more than the proceedings at Parliamentary elections. In this Bill we have not attempted to deal with the question of municipal elections, because our inquiry showed us that a greal deal more was necessary to be done in their case than in that of Parliamentary elections. The whole system of municipal elections requires a Corrupt Practices Act to be specially framed for itself, and we have not had time this Session to prepare such an Act so carefully as is thought desirable. Therefore, we do not deal with them by this Bill, but postpone the subject for another year. I believe I have now stated all that is necessary as to what the Bill contains and does not contain. We are aware that these proposals are imperfect, and we invite the assistance of the House for the purpose of amending them and rendering them efficient. We know that no Bill which we can propose or the House can pass will be of any avail to check the monstrous evils which have grown up, unless it is supported and aided by the exertions and good-will of the people of this country. From what I have heard on the Committee, and from what I have seen in the country, I believe that there does exist among the most intelligent electors a sincere and earnest desire to put an end to these abuses; but, nevertheless, there exist a strange apathy and irresolution on the subject, and there appears to be an indisposition on the part of those who see and acknowledge the evils to exert themselves and grapple with the difficulty. I trust that this Bill, amended by the assistance of Parliament, will give to that large and, I hope, increasing class the means, which they have hitherto lacked, of offering a firm resistance to the corrupt practices which they detest, and will enable them to make a stand for the freedom, the purity, and the tranquillity of elections.

Motion made, and Question proposed,

"That leave be given to bring in a Bill to amend the Law relating to procedure at Parliamentary Elections."—(*Marquess of Hartington.*)

MR. LEATHAM said, he rejoiced, in common with the great majority of Members on his own side of the House, that at last the Ballot had become a Cabinet question; but there his satisfaction ceased. First he regretted that other matters, however important, but more or less irrelevant, were dealt with in the Bill, for the Ballot was surely a matter great and distinct enough to have a measure to itself. Nor was the Bill a simple embodiment of the recommendations of the Committee which sat upstairs; and, indeed, as the noble Marquess (the Marquess of Hartington) said, one of the main provisions of the Bill ran directly counter to one of the most emphatic recommendations of the Committee—he referred to the discontinuance of public nominations. Again, the Ballot was not proposed in accordance with the recommendation of the Committee, for they especially and emphatically recommended that the vote should be absolutely inviolable, except in cases of bribery, or in case the vote had been adjudged invalid. These were the proposals of his Bill, but not those of the Bill of the Government. He proposed to limit the scrutiny in the way recommended by the Committee; but the noble Marquess did not propose to limit the scrutiny in any way. The noble Marquess simply proposed what was well known as the Victorian Ballot; and in Victoria intimidation by landlords, customers, and employers, was all but unknown. He could easily understand that an imperfect system of Ballot like that proposed might work well in Victoria; but it was quite another question whether, in a country in which intimidation was so rife as it was in England, so imperfect a system would operate as it had operated there. He must also express his extreme regret that the noble Marquess had not attempted to deal with municipal elections, for on every side we heard that since the municipal franchise had been so widely extended without the Ballot, and the municipal and Parliamentary constituencies had thus been made identical, municipal corruption offered so many facilities to Parliamentary corruption that enormous impetus was given to the corruption of constituencies; and, in another year, some of them might be beyond the reach of the Ballot, or any other remedy. For these reasons he felt great regret that the Bill of the Government had not been made more perfect. He had hoped it would have been his pleasing duty to announce that, in consequence of its completeness, any further action on his part would be unnecessary; but, as it was, the only alternative open to him was to postpone the second reading of his own Bill to the day named for the second reading of the Bill of the noble Marquess.

Mr. NEWDEGATE, after complimenting the noble Lord upon the distinctness and ability of his statement, said, it was not the manner but the matter which had fallen heavily upon the House. The Government proposals did not commend themselves to him. First, the House was asked to adopt secret voting, to apply to England and to Scotland a remedy which might be necessary for the miseries of Ireland, but which was not necessary for elections either in England or Scotland, and he must remind the House that physic, where not needed, was poison. He did not look forward with pleasure to the dose prepared for them. He had had some experience of noisy nominations, but what was the inconvenience of a little noise on such occasions compared with the advantage of informing a whole constituency at once, without priority of information, of those, who were candidates for their suffrages? Simultaneity of information was one great element in the fairness, and therefore in the freedom of election. The noble Lord seemed to consider every electoral contest was a species of open warfare. Military men spoke of some engagements as affairs of cavalry and artillery, and the Committee or rather the noble Lord seemed to intend to treat contested elections much in that sense; the nomination was to be an "affair of cavalry"—of newspapers, and the polling was to be an affair of artillery, an affair of agency; from the beginning to the end of an election, the Bill proposed that that which formerly and still insured fairness and freedom, face-to-face publicity, was to be avoided. Electors were to learn through the newspapers who were the candidates; and the election was to be entrusted to agents who might be honourable men; but, at the same time, he was convinced that the people in England and Scotland would rather manage their own affairs than trust to agents, however honourable. Having always voted against the principle of the Ballot, having always followed Lord Palmerston into the Lobby against that innovation, he must withhold his assent from the Bill.

Mr. BERESFORD HOPE said, that he for one felt the greatest possible satisfaction at the prospect of the abolition of public nominations. He hoped, however, that there would be no interference with Parliamentary elections in any of the Universities, for he did not think that the evils which existed elsewhere existed there. A clause should, therefore, be inserted in the Bill exempting the Universities from the operation of the Bill.

Mr. FAWCETT said, he thought many Members would be surprised and disappointed at one part of the noble Marquess's (the Marquess of Hartington's) speech. After all that had occurred, and especially after the statement made by the Prime Minister within the last month, the opinion was general that effect would be given to the views expressed heretofore by a majority of the House, and that the necessary expenses of conducting elections would be borne, not by the candidates, but by the constituencies. When the hon. Member for Leicester (Mr. P. A. Taylor) lately proposed the payment of Members, the Prime Minister fully admitted the justice and necessity of making the constituencies pay the necessary election expenses, and he supported the proposal when first made—a proposal which, in the Select Committee, was only lost by the casting vote of the noble Marquess. The argument used by the noble Marquess this evening was very extraordinary. It was in effect this—"We propose to abolish nominations; and it is, therefore, necessary that election expenses should be borne by candidates in order to prevent fraud." Now, one of the most plausible arguments against this plan was that it would encourage a large number of candidatures by men who wished to indulge their vanity by appearing upon the hustings at nominations. But, in abolishing nominations this argument could no longer be used. It had always been proposed to hedge round the plan with securities, and the imposition of a fine of £100, £200, or £300 upon fictitious candidatures would give all the security that could be desired against such fraud. After the Prime Minister's declaration there would be great disappointment on this subject. Many a man upon the Treasury Bench had consistently and persistently voted against the Ballot. The arguments for the Ballot were just as strong five years since, when the Treasury Bench treated this question with contumely. How was it they had altered their opinion? He was afraid it was through party exigencies. It was hard that a scheme advocated by the Prime Minister should be thrown aside because there was not the same party exigency on the subject. If the Prime Minister did not support the plan now, it would show once more that this was an age of political inconsistency. In candour he was bound to add that he differed from the hon. Member for Huddersfield (Mr. Leatham), and did not think that the Bill should be merely a Ballot Bill. All the proposals of the Government, except that to which he had alluded, seemed to be in the right direction. The country would welcome the abolition of nominations and the forbidding of committee meetings in public-houses. He believed the country would also have liked the extension of the prohibition to all political meetings, and some further restriction on the employment of paid canvassers and agents. The House would never have done all they could do for the reform of the electoral system unless they dealt courageously with that growing scandal, the increasing expense of elections, and they could not do this unless they put some check upon the unlimited use of paid agents and canvassers.

Mr. WHITBREAD said, he desired to tender his grateful thanks to the Government for having taken so early an opportunity of carrying out, as he thought most honestly, the recommendations of the Committee. It was, of course, very difficult for them to please all their supporters, as was sufficiently proved by the two speeches to which the House had just listened. The hon. Member for Huddersfield (Mr. Leatham) was angry with them for going beyond his propositions, and the hon. Member for Brighton (Mr. Fawcett) was equally angry with them for not carrying out his hobby. He, for one, regarded as of great importance the clause making every payment not included in the return of election expenses a corrupt payment, and the vote upon it would test the sincerity of the House as to whether they were or were not in earnest in endeavouring to put down corruption. The revelations after the last Election showed how many honourable men there were who had been led away by the fatal reasoning that because a devoted supporter of theirs happened to have spent a certain sum of money in seeking to promote their return, they were bound six months afterwards to recoup him for the outlay. Now, if such payment, whether within one month or a year, were made a corrupt payment the candidate would have a ground on which to stand in refusing to make it. His hon. Friend the Member for Huddersfield, he might add, complained of the exclusion of municipal elections from the operation of the Bill; but he must be well aware that the Ballot alone would not cure the evils by which those elections were attended. As to the machinery proposed by the Government, he had not made up his mind whether it or that suggested by his hon. Friend was the best, but that was a matter of detail which could be settled in Committee. He trusted that when the Bill came to a second reading his hon. Friend would be in a better frame of mind.

Mr. GLADSTONE: I think, Sir, the House will expect a few words from me after the speech of my hon. Friend the Member for Brighton (Mr. Fawcett). But first, I wish to discharge the more agreeable duty of expressing my best thanks to the Committee, and to my hon. Colleagues, who have bestowed so much labour upon this subject, first of all, for the great exertions they have made in bringing towards its final solution the question of secret voting, and secondly, for the other important and very valuable suggestions they have made, and several of which are included in the present Bill. Further, I wish to state, in reply to the hon. Member for the University of Cambridge (Mr. Beresford Hope) that there is a clause in the Bill which I believe he will find will entirely exclude the Universities from the operation of the Act. With regard to the speech of my hon. Friend the Member for Brighton, I may say we are both fortunate and unfortunate. We are fortunate, inasmuch as there is nothing so dangerous to individuals or to a Government as too much adulation. It is fortunate, considering the imperfections of human nature and the many faults into which we may fall, that we have always got a friend at hand to remind us of our fallibility, and we are certainly indebted to my hon. Friend for not seeking to make our faults less than they are, either in number or intensity. We are unfortunate, however, in this, that while, as is perfectly natural, my hon. Friend finds fault with us on the points wherein he differs from us, he must also find fault with us on the matters wherein we agree with him ; and when we come forward with a measure for secret voting can, in the largeness of his charity, find no better motive to ascribe it to than sordid motives of our own political interests. However, it is always a great advantage to feel that we have touched the ground; and, on this occasion, I am glad to think that our opponents who sit opposite can say nothing more bitter of us, with regard to the considerations which have governed our conduct in relation to this Bill, than what has already been said, eagerly and without loss of time, by my hon. Friend the Member for Brighton. With respect to the absence from the Bill of the provision for relieving the candidates of the expenses of elections, and transferring them to the constituencies who have a deep interest in the matter, and are naturally the parties on whom they ought to fall, I may state that the reasons which induced the Cabinet to refrain from making any such proposal are of the simplest character. I will not refer to some matters which might cause delay, because of the considerable difficulties which lie in the way of framing plans to give effect to what seems to be a sound and healthy principle. I will content myself with stating that we were most anxious to proceed with the important measure which my noble Friend near me (the Marquess of Hartington) has just asked for leave to introduce, but we felt that, in order to give it a chance of success, we must not overload the vessel by bringing into it matters which, although they might tend to theoretical perfection, would, on the other hand, greatly diminish the prospects of passing the Bill this Session. My hon. Friend, in his sanguine view of the question, ought not to forget that his own proposal; when submitted to the House last year, did not survive a second reading, but was actually rejected at that early stage, though, I admit, only by a small majority. That circumstance indicated the marked division of opinion among hon. Members on the subject, and the difficulties in the way of carrying such a proposal, and I would appeal to the House—I would almost leave it to my hon. Friend himself—to say, whether, as practical men, we did not arrive at a wise conclusion when we determined to postpone the consideration of a subject such as that, in order to obtain the very best chance we could secure for carrying into effect the important purposes aimed at by the present measure.

Mr. JAMES said, he was sure hon. Members did not desire to have a long discussion on the details of a Bill which was not yet in print; but he trusted he might be allowed to express his extreme regret that the Ballot proposed by the Government was to be deficient in its principal element, and, as many thought, its chief recommendation—namely, perfect and inviolable secresy. Many hon. Members believed that the Ballot contained but little abstract good, but regarded it simply as a necessary remedy for certain evils. It was the secresy of the Ballot that recommended it to many of its supporters, but under the present Bill, secresy would depend on the side upon which a paper was placed and a variety of accidental circumstances. This was not merely a question as to the amount of publicity which would, in point of fact, be so obtained; but, one as to the effect which the possibility of publicity would have on the minds of the voters. From the noble Marquess's (the Marquess of Hartington's) statement, it appeared that the element of secresy was to be sacrificed for the sole purpose of obtaining a scrutiny. He would not enter upon that subject now; but he hoped to have an opportunity on some future occasion of showing how the necessity for a scrutiny could be reduced to a minimum. He did not wish to place himself in opposition to the Bill; and if the principle of secresy could be discussed in Committee it would, no doubt, be considered at that stage. If, however, it should be found that the principle was so blended with the Scrutiny Clauses that it could not be properly discussed in Committee, he should propose, on the Motion for the second reading, an Amendment to the effect that it was inexpedient to sanction any form of Ballot which was not complete and inviolable in its secresy.

Lord CLAUD HAMILTON said, that the differences of opinion existing among those who called themselves supporters of the Ballot showed the inexpediency of introducing a new Reform Bill after midnight. He hoped the Government would not force the House to give even a preliminary sanction to a Bill to which he, for one, entertained the most serious objections, irrespective of those already stated by the supporters of the principle of secret voting. Most sincerely did he trust that there would be no attempt to hurry the House into a preliminary assent to the principle of secret voting, by asking them to pass the Bill through its first stage at so late an hour, contrary to all the usages of the House. Silence was very often supposed to imply consent, and as he was strongly opposed to the principle of the Bill, he would move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Lord Claud Hamilton.*)

Mr. ASSHETON CROSS said, he hoped the noble Lord (Lord Claud Hamilton) would not divide the House. He (Mr. Cross) was perfectly willing that the Bill should be introduced, though he objected to the measure *in toto*. In his opinion voting was a public duty, and ought to be public in order to secure its being performed honestly. He should therefore vote against the second reading of the Bill.

Mr. R. N. FOWLER said, he wished to ask the noble Marquess (the Marquess of Hartington) whether he intended to abolish the declaration of the poll as well as the nomination.

Lord CLAUD HAMILTON said, he would withdraw his Motion for the adjournment of the debate.

Motion, by leave, *withdrawn*.

Question put, and *agreed to*.

Bill *ordered* to be brought in by the Marquess of Hartington, Mr. Secretary Bruce, and Mr. John Bright.

Bill *presented*, and read the first time. [Bill 120.]

MAGISTRATES IN POPULOUS PLACES (SCOTLAND) BILL.

On Motion of Mr. Carnegie, Bill to enable the Chief Magistrate of populous places in Scotland to act ex officio as a Justice of the Peace and Commissioner of Supply for the county in which the said populous place is situated, *ordered* to be brought in by Mr. Carnegie, Sir Edward Colebrooke, and Mr. Orr Ewing.

Bill *presented*, and read the first time. [Bill 121.]

SALE OF POISONS, &c. (IRELAND) BILL.

On Motion of Mr. Solicitor General for Ireland, Bill to regulate the sale of Poisons in Ireland, and to alter and amend an Act passed by the Parliament of Ireland in the thirty-first year of the reign of His Majesty King George the Third, chapter thirty-four, intituled, "An Act for more effectually preserving the health of His Majesty's Subjects, for creating an Apothecaries Hall in the City of Dublin, and regulating the profession of an Apothecary throughout the Kingdom of Ireland," *ordered* to be brought in by Mr. Solicitor General for Ireland and Mr. Chichester Fortescue.

Bill *presented*, and read the first time. [Bill 122.]

House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, 10*th May*, 1870.

MINUTES.]—Public Bills—*First Reading*—Bridgwater and Beverley Disfranchisement * (87); Norwich Voters Disfranchisement * (88); Mortgage Debenture Act (1865) Amendment * (89); Felony * (90); Creditors Sequestrations * (91).

Second Reading—Justices of the Peace Qualification * (77), *discharged.*

Committee—War Office (74-92).

Committee—Report—Medical Act (1858) Amendment * (69-93).

Third Reading—Inverness County, &c. (Boundary) * (48), and *passed.*

WAR OFFICE BILL—(No. 74.)

(*The Lord Northbrook.*)

COMMITTEE.

Order of the Day for the House to be put into a Committee on the said Bill, read.

Earl DE LA WARR said, he wished to say a few words in reference to certain observations which had been made on the second reading of the Bill, especially by a noble Earl who was lately Under Secretary for War (the Earl of Longford), and who, like himself, held a commission in Her Majesty's service. The noble Earl, digressing in a rather remarkable manner from the question then before the House, delivered a caustic and bitter invective against Her Majesty's Government, on account of certain reductions they had thought it necessary to make in the Army; dwelling also on the discontent and dissatisfaction with which they were viewed by the Army at large. Now, he took issue with the noble Earl on this point; believing as he did, in common with many others in the profession, that he was not the best friend to the Army who would maintain in a time of profound peace a vast and costly establishment, and an over-manned Staff, he ventured to say that what Her Majesty's Ministers had done was prudently and wisely done. He especially objected to the remarks the noble Lord opposite had made on the point that these reductions ought not to have been made till the new Reserve forces were filled up. Did the noble Lord think it necessary that all reductions should be postponed till the Reserves which had been ordered were brought up to their full force? For his part he held that no such postponement was necessary, believing, as he did, that the spirit and patriotism of the country, would be found fully adequate to meet any emergency that might arise during the interval, and he was sure that the sinister predictions in which the noble Earl had indulged would not abate the confidence of the Army in its ability to discharge its duty on whatever service they might be sent.

THE EARL OF LONGFORD asked to be permitted to say a few words in answer to the observations of his noble Friend. He adhered to the opinions he had expressed the other night, and was ready to repeat them over again on any proper occasion. He believed, on reflection, that he might have gone beyond the question the other night, there being nothing in the Bill about reductions in the Army—but only for the regulations of the War Office. His noble Friend in charge of the Bill (Lord Northbrook) had, however, referred to those reductions somewhat complacently, and he therefore desired to show their Lordships that there was a different view of them. He was not aware that he went to quite such a length as the noble Earl had imputed to him; but he had certainly heard considerable expressions of discontent from officers of standing and ability. He made no reference whatever to the Staff, and he objected to have words put into his mouth. He had heard nothing to satisfy him that the reductions had been prudently made.

House in Committee.

Clause 1 (Short title of Act) *agreed to.*

Clause 2 (Appointment of Surveyor General of Ordnance).

EARL GREY said, he had an Amendment to propose to this clause. Their Lordships would observe that the object of the 2nd and 3rd clauses was to create two subordinate officials in the War Office, for the purpose of assisting the Secretary of State in the House of Commons. These officers appeared to be of equal rank, and, he presumed, with the same salaries; but there was this extraordinary difference — that while the acceptance of one Office by a person having a seat in the House of Commons was to vacate the seat, the acceptance of the other was to have no such consequences. This was an evident absurdity. During the discussion of the last Reform Bill he called attention to the absurdity which already existed of a distinction between certain subordinate Offices under the Crown, the acceptance of some of which involved the vacating of seats, while others, through the mere accident of the appointment being made by a Minister, instead of directly by the Crown, were exempted from that provision. Thus, the Secretary to the Treasury did not vacate his seat by accepting Office, while a Lord of the Treasury, holding an Office of inferior importance and emolument, was obliged to go back to his constituents. Their Lordships at that time refused to correct this anomaly, and he could understand their unwillingness to disturb what they found already existing; but in creating new Offices either one principle or the other ought to be consistently applied. These two Offices were of precisely the same character, and he asked, in the name of common sense, why one should entail the vacation of the seat and the other should not? He was sure it would puzzle his noble Friend who had charge of the Bill, to discover any sufficient reason for this anomaly. If they held that it was right on principle that persons on accepting Office should vacate their seats, then abide by that rule and let both Offices create a vacancy in the seats. His opinion, however, was, that the best rule would be that neither should vacate their seats. His experience in Parliament satisfied him that great difficulties arose from the present state of the law. Those of their Lordships who remembered the passing of the first Reform Act would recollect that apprehensions were expressed that the disfranchisement of many small boroughs, which afforded a means of bringing into Office persons whose services were likely to be useful, would render it difficult to select the most competent persons for Offices under the Crown. He always felt the force of that view, and the experience of 38 years had satisfied him that such a difficulty now existed. Were it not invidious, he could mention instances in which the most competent persons had been passed over on account of the uncertainty of their securing re-election, and of less competent persons being preferred whose seats were secure. On the second reading of this Bill, objection was taken by the noble Duke near him (the Duke of Richmond) to allowing the Surveyor General of the Ordnance to sit in Parliament, on the ground that the tendency would be to prefer an officer sitting in the House of Commons, although another without a seat might be better qualified. He (Earl Grey) admitted that this argument had some force; but he thought it was sufficiently answered by what was urged by the Government on the other side—that additional professional assistance was required by the Secretary for War in the House of Commons, and it was therefore desirable that this new officer should be capable of sitting in that House. The noble Duke's objection would, however, have increased weight if the Surveyor General by accepting Office vacated his seat. There might be two military officers candidates for the Office, and both with seats in the House of Commons, and if one of them had gained his seat with difficulty and by a small majority, while the the other was secure of re-election, there would be an overwhelming temptation to prefer the latter, even though he was less qualified than his competitor. If their Lordships held that a great constitutional principle was involved in the vacating of seats, he should be willing to apply it to both these Offices; but he would first propose that the Surveyor General should not vacate his seat by accepting Office, if already a Member of the House of Commons, nor be ineligible for election if not already a Member. If this Amendment was rejected he should move on Clause 3 that the Financial Secretary should also vacate his seat by accepting Office.

Amendment *moved*—

To leave out from ("Act") to the end of the clause and insert ("one of Her Majesty's Principal Secretaries of State may from time to time appoint and at his pleasure remove an officer to be styled the Financial Secretary of the War Office, and such officer shall not by virtue of such appointment, if sitting in the Commons House of Parliament, vacate his seat, or, whether sitting in such House or not, be disqualified from being elected to or sitting or voting in the said House of Parliament.")—(*The Earl Grey.*)

THE DUKE OF RICHMOND said, that, though on a previous evening the noble Earl opposite (Earl Granville) blamed him for asking for a postponement of Bills, he hoped the noble Earl would now think he had improved the opportunity he was kind enough to afford him of reflecting on the course which he should take with regard to this clause. During the interval, he had looked at the matter in all its bearings, and had come to the resolution of not offering any further opposition to the measure. He was the more inclined to do this on account of the statement of the noble Lord (Lord Northbrook) that it was by no means necessary that the Surveyor General should have a seat in Parliament, and that the best person would be selected, irrespective of his sitting in Parliament. He still objected to the Office of Surveyor General being made subject to Ministerial changes, and should be glad if the noble Lord in charge of the Bill could consider before the next stage of the Bill the propriety of making the Office a permanent one, and without a seat in Parliament. If, as seemed the general opinion, further professional assistance was required by the Secretary of State in the House of Commons, a third Office might be created, the person who filled it to be styled Assistant Under Secretary of State, and to be a military man, qualified to assist the Secretary of State in debates and questions arising in Parliament. This, with the assistance of the Financial Secretary, would provide all that was required. He would not press this, but threw it out for the noble Lord's consideration.

EARL GRANVILLE admitted that the noble Duke had made an excellent use of the delay which he solicited, and should be happy to bargain with him that the same course should be taken with regard to the two other Bills, on condition that postponement was followed in those cases by the same result. Without entering into argument on the Amendment, he would urge on his noble Friend a consideration which had weighed with his Colleagues in the House of Commons—namely, the feeling of jealousy with regard to one House dealing with matters which peculiarly affected the other House. He did not deny that when any great public advantage was at stake, this feeling must not be allowed too much weight; but, in the present case, he hoped the Amendment would not be pressed.

EARL GREY said, he could not consent to withdraw an Amendment against which not a word of argument could be adduced, out of regard for a question of etiquette. In the absence of any argument, it was clearly the right and duty of the House to express an opinion.

THE MARQUESS OF SALISBURY reminded the noble Earl this point was not raised during the discussion of the Bill in the House of Commons.

On Question, "That the words proposed to be left out stand part of the Clause?"

Their Lordships *divided* :—Contents, 28; Not-Contents, 33: Majority 5.

Clause amended accordingly, and *agreed to*.

Remaining clauses *agreed to*.

The Report of the Amendment to be received on *Thursday* next; and Bill to be *printed* as amended. (No. 92.)

CREDITORS SEQUESTRATIONS BILL [H.L.]

A Bill to amend the Law relating to the Sequestration of Benefices in England and Wales—Was *presented* by The Earl of HARROWBY; read 1ª. (No. 91.)

House adjourned at a quarter before Six o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 10*th May*, 1870.

MINUTES.]—SELECT COMMITTEE—Conventual and Monastic Institutions, *nominated.*

PUBLIC BILLS—*Committee—Report*—Wine and Beerhouse Act (1869) Amendment* [97-124]; Tramways (*re-comm.*)* [113].

Report—Burials* [8-123].

Considered as amended—Railways (Powers and Construction)* [76].

CIVIL SERVICE PENSIONS.—QUESTION.

MR. MONK said, he wished to ask the Secretary to the Treasury, Whether there is any objection to the provisions of the Pensions Commutation Act (1869), being extended to the Civil Service generally?

MR. STANSFELD said, in reply, that the Act referred to in the Question of the hon. Member was purposely restricted to officers in the Army and Navy, and clerks in the War Office and Admiralty. The object was to alleviate the hardships which might occur in consequence of the reductions contemplated, and which had taken place in those establishments. The Government were not prepared at this moment to admit that it was advisable to extend the Act to the Civil Service generally. On the contrary, they thought it advisable to wait and see how the Act worked in these two great Departments before taking any further steps in the matter.

REDUCTION OF LIGHT DUES.
QUESTION.

MR. GRAVES said, he wished to ask the Secretary to the Board of Trade, Whether it is true that the Board of Trade has decided on reducing the "light dues" now levied on shipping; and, if so, if he will state the extent and nature of the proposed reduction?

MR. SHAW-LEFEVRE: In reply, Sir, to the hon. Member for Liverpool, I have to state that, in consequence of the flourishing state of the Mercantile Marine Fund, due mainly to the increase of shipping entering our ports, it is found possible to make considerable reductions of the light dues. Instead, however, of making a reduction *pro ratâ* over all the dues, it is thought better to take this opportunity of getting rid of certain anomalies and inequalities which have been much complained of, and in respect of which my right hon. Friend the President of the Board of Trade promised last year that inquiry should be made with a view to their removal. It is proposed, then, to make the following reductions:—1. Steamers making direct voyages from the East Coast to the North of Europe will be relieved from payment in respect of a certain number of lights; by this a relief will be given to the extent of about £11,300 per annum. 2. Vessels trading between ports in the United Kingdom and ports in Europe—except the Mediterranean—will in future be called upon to pay dues once only, out and home. The annual reduction in this case will probably be £21,229. 3. There will be a reduction of dues charged in respect of the "Smalls" and "Skerries" Lights from 1*d.* to ¾*d.*, subject to the usual abatement. This will give relief to the extent of £13,300. 4. Vessels calling for orders at our ports and proceeding thence to foreign ports will in future be exempt from tolls after leaving the port of call. This will cause a reduction of £8,000. In all, the reductions will amount to about £53,800. They will, however, not come into operation till the 1st of October.

MR. GRAVES said, he should like to know whether these reductions would be effected without any curtailment of the expenditure necessary for new works?

MR. SHAW-LEFEVRE: These reductions will not at all affect the expenditure for new works. It may be convenient that I should state that the expenditure on new works during the present year will be £79,798. For the year 1869 it was £66,900, and for 1868 £47,000. It will be seen, therefore, that the expenditure during the current year will, notwithstanding the reductions, be greater than during either of the past two years. The estimated expenditure during the year 1871 on works now in progress will be £54,000.

THREATENED OUTRAGE IN MANCHESTER.—QUESTION.

MR. GILPIN said, he must preface the Question of which he had given Notice by stating that the hon. Member for Manchester (Sir Thomas Bazley) had informed him that the gentleman who was threatened with this outrage bore the highest character; and, in justice to the police, he was bound to say that since he had come to the House he had received a telegram to the effect that the police of Manchester had re-considered their determination, and ostensibly offered Mr. Johnson protection; but the arrangements gave him no protection whatever, and were perfectly useless to him. He therefore would beg to ask the Secretary of State for the Home Department, If his attention has been called to a statement in "The Times" newspaper that a manufacturer at Manchester is unable to sleep in his own house, or to let it be publicly known where he resides, for fear of outrage on the part of workmen of a trades union; that the said gentleman has been refused the protection of the Manchester Police, except on the payment of 8*d.* per hour for each man; and, if he can state if such report be correct; and, if so, if the Government intend to take any steps to put a stop to such a state of things?

MR. BRUCE: Sir, I have read the report in *The Times;* but I am unable to say whether the facts quoted by the hon. Member are correct or not. I have been in communication with the Manchester magistrates and the local authorities generally upon this subject. It appears that two outrages were committed on the same night, one being an attempt to burn a stackyard of the gentleman referred to within the borough of Manchester, and the other an attempt upon his life outside the borough. I presume, therefore, the application for personal protection would have been made, not to the borough police, but to the police of the county in which the house stood. Application has been made to me by the magistrates to join them in offering a reward for the discovery of the offenders; they propose to offer a reward of £500, and I have, on the part of the Government, consented to add a reward of £100, together with a pardon to any offender who will give evidence leading to the conviction of the others. With respect to the latter part of the Question, I have to say that, in ordinary cases of danger to life and property, it is the duty of the local authorities to furnish the necessary protection; and when the danger is beyond their power and public disturbance is apprehended, the aid of the central authorities can be called in, and the aid of the troops can be granted if the risk be sufficiently great. In the present case, I have received no such application, nor have I received any complaint that the magistrates have not done their duty.

NAVY—EMIGRATION BY TROOP SHIPS. QUESTION.

SIR JAMES LAWRENCE said, he would beg to ask the First Lord of the Admiralty, Whether he can state the number of applications received from workmen discharged from the Dockyards for passages for themselves and families in the Troop Ships about to proceed to Canada; when the Troop Ships "Tamar" and "Crocodile" will sail; and, whether, if the two Troop Ships are found insufficient for the number wishing to emigrate, a third Troop Ship will be provided, in accordance with the announcement made by the First Lord of the Admiralty when introducing the Navy Estimates?

MR. CHILDERS: In reply, Sir, to the first Question of my hon. Friend, I have to say that the number of applications from workmen discharged from the dockyards for passages to Canada is for 445 souls, or 353 statute adults. This is irrespective of the applications from workmen discharged from the departments under the War Office, whose exact number I do not know. The *Tamar* will sail on the 1st and the *Crocodile* on the 7th of June. In reply to the third Question, I have to say that my statement in introducing the Navy Estimates was that "two or three" ships would take emigrants, and since then we have always spoken of two ships only. A third ship goes to Canada late in the autumn; but we are advised that it would be wrong to send emigrants by her, as they would land in Canada at a time when work would be got with difficulty. I fear that I could not in any case send additional troop-ships. Emigrants are taken because the ships are going for troops; but ships could not be sent for troops merely because emigrants want to go. The two ships I have mentioned will take 1,200 or 1,300 people.

NEW BUILDINGS AT SOUTH KENSINGTON.—QUESTION.

SIR JOHN PAKINGTON said, he would beg to ask the First Lord of the Treasury, How soon that part of the new buildings at South Kensington to be appropriated to the Royal School of Naval Architecture is likely to be completed and roofed in; and, whether he is aware that building materials of great value have been long lying on the ground at South Kensington and suffering deterioration for want of money to make the proper use of them?

MR. GLADSTONE replied, that the Treasury had limited the sum which was to be appropriated for the buildings at South Kensington during the present year, and his right hon. Friend the First Commissioner of Works was engaged in considering what was the best application to make of that sum. The right hon. Baronet was quite correct in stating that a considerable quantity of building materials was lying upon the ground at South Kensington; and although those materials were not of what was usually called a perishable character, they would certainly be none the better, and might be much the worse, in consequence of prolonged exposure to the weather. His right hon. Friend was sensible of that circumstance, and would endeavour to lay out the money in such a manner as to prevent any further progress in such deterioration.

THE MASSACRE IN GREECE. QUESTION.

MR. AUBERON HERBERT said, he wished to ask the Under Secretary of State for Foreign Affairs, If the Government would think it right to take steps to obtain the postponement of the execution of any brigands now in prison in Athens, until such an investigation has been held of the circumstances connected with the late massacre of captives as may be considered satisfactory by the Government?

MR. OTWAY: Sir, I beg to say that Her Majesty's Government fully appreciate the interest and anxiety shown in this matter by the hon. Member for Nottingham, and his great desire that the investigation into the lamentable occurrence in Greece shall be as complete as possible, and with that view we have sent a telegraphic communication to Mr. Erskine, empowering him to obtain from Corfu and Constantinople such legal assistance as it may be possible to procure. The Secretary of State has also sent today a telegraphic communication in the sense, and almost in the words, of the hon. Member's Question.

PUBLIC PROSECUTIONS.

MOTION FOR A SELECT COMMITTEE.

SIR DAVID WEDDERBURN said, he rose to move for a Select Committee to inquire into the present system of conducting public prosecutions in Scotland, with the view of amending that system if necessary, and of extending to other parts of the United Kingdom the institution of Public Prosecutors. Since he had placed this Notice upon the Paper, there had been a considerable change in the aspect of the question. At that time he proposed not only to bring about a reform in the law of Scotland, but to afford valuable information to those who sought to institute public prosecutors in England and Ireland. Since then, however, a Bill on the subject had been introduced, had been read a second time without a Division, and referred to a Select Committee, and had a very fair prospect of becoming law this Session. That rendered his task much simpler, for his object was not to extol the system of public prosecutors, which had been established in Scotland for centuries, but to point out certain reforms which might advantageously be made, to render it more in harmony with the present state of opinion, and thus restore public confidence in the system which, in his opinion, still retained too much of the spirit of the times in which it was first instituted. The time seemed appropriate for establishing a similarity or identity of the law in the two kingdoms in this very important particular. If the Committee were granted he should wish to limit the inquiry strictly to the investigation of this particular case of prosecutors appointed and paid by the public to investigate cases on behalf of the Crown. There had been a Royal Commission to inquire into the legal procedure and practice of Scotland; the Commission had issued a voluminous Report, from which this question had not been omitted; but amid the mass of subjects to which their attention had been directed it had unavoidably occupied a position not adequate to its importance. But if a Committee were appointed to inquire into this subject alone they would probably take such evidence and come to such conclusions as would lead to a substantial improvement in the law. The faults in the present system to which he would call the attention of the House related in a great measure to the method of appointment and payment of those public officers, but also, what was still more important, to the manner in which their proceedings and preliminary inquiries were conducted, the secret system under which they acted, and the arbitrary and irresponsible powers with which the public prosecutors were invested. It would be quite out of place to enter upon an account of the numerous and important functions with which the Office of Lord Advocate, now so worthily filled, had been by degrees intrusted. The original foundation of that officer as public prosecutor dated, he believed, from the middle of the 16th century. In its origin it appeared to have been instituted for purely fiscal purposes, to secure to the Crown its claims upon the estates of convicted criminals. The Lord Advocate had under him a powerful staff of subordinates, headed by the Solicitor General and four Advocates Depute, appointed by the Crown, and going out with the Government of the day. There were also local public prosecutors called Procurators Fiscal, appointed by the Sheriff or local Judge, and holding office as long as he did. It was their duty to investigate and report cases of crime, and to bring the accused to trial. To the method of appointment by local officials, he had various objections to urge, and he had the highest authority in support of his views. In a letter written in 1833, Lord Cockburn, then Solicitor General of Scotland, said, he had long been clear that Procurators Fiscal should be named by the Crown, and that the present system of letting them be named by the Sheriffs was peculiarly unsatisfactory, even when they appointed right men—and they often appointed wrong men. He (Lord Cockburn) would have it distinctly understood that this was not a political office, and the holders ought not to be appointed or removed on party considerations. The Lord Advocate possessed privileges and powers as a public prosecutor which hardly appeared in keeping with the general limits prescribed by the Constitution to Executive officers. He could delegate those powers to whom he pleased, and he was not liable to give security or pay damages for false imprisonment, or for the failure of his attempts to prosecute. He could only be made liable to damages where he was suspected of having acted maliciously and beyond his duty. The total expenses of criminal proceedings in Scotland were £75,000 a year, of which sum the salaries of the Procurators Fiscal amounted to about one-third; and those salaries were supposed to cover all cases actually reported or brought to trial. Although the Procurators Fiscal received on the average salaries equal in amount to those of local Judges, they were entitled also to pursue their private practice; and while their salaries varied from £2,000 to £50, they, as a rule, made considerable incomes by private practice as lawyers, factors, and in various other ways. Now he (Sir David Wedderburn) thought that when a Judge was required to devote the whole of his time and talents to the public service in consideration of his salary, the public prosecutor, whose social position was less dignified, might very well be required to do so also. Various abuses were liable to arise from the present system. Thus, if a Procurator Fiscal were called on in his public capacity to prosecute one of his own clients—say, a powerful company or an influential individual—it could scarcely be supposed that he would as impartially and fearlessly discharge his public duties as if he were in a perfectly independent position. Again, if he were called on to prosecute as a private agent in certain cases where he would not be expected to do so as a public prosecutor—such cases as poaching or trespass—it was clear that his public position might give him the power to exercise considerable oppression, or at least, that the public would believe so. He did not say that such cases frequently arose, but they might possibly do so, and the public confidence in the impartial discharge of the Procurator Fiscal's functions might easily be shaken. For some years past all the Procurators Fiscal, with a few exceptions, had been placed upon fixed salaries, and since then there had been an apparent diminution in the number of trials. With regard to the relative number of committals and acquittals, the system appeared to work well in Scotland; for whereas in England, in 1868, which he took to be an average year, the total number of committals was upwards of 20,000, of which the convictions amounted to 75 per cent; in Scotland the committals were 3,384—about 10 per cent more than in England in proportion to population, and the convictions exactly the same, or about 75 per cent. But when they considered the number of cases that ended in acquittal, they found them in England to amount to 20 per cent, whereas in Scotland they were only 9 per cent—the difference being accounted for by the accused being discharged without a trial taking place. Again, the method of paying those officials in Scotland had excited considerable dissatisfaction in certain counties. The professional services of the Procurators Fiscal were remunerated by fixed salaries, but their duties were confined to such cases only as were reported to the Crown Counsel; but unreported cases were not included in the salary. The result of such an arrangement must be that the public prosecutor was tempted either to get up cases where the proof was not sufficient to enable him to obtain a verdict, or even to go to a trial, because in either of those cases he would be entitled to make a charge against the county; or, on the other hand, he would be tempted to drop cases that ought to be brought to trial, and which would be held to be covered by his salary. The character of the public prosecutors in Scotland was very high, and he could not say that any great abuses had actually arisen from that system—indeed, he believed that these gentlemen generally refused to take advantage of this method of obtaining additional fees; but great dissatisfaction existed in the counties where the system prevailed, and its manifest tendency was to produce abuse. Another point in respect to which the present arrangements were not satisfactory was the ill defined position of the Chief Constable of a county, with reference to the Procurator Fiscal. The Select Committee of the House of Lords, which a few years ago inquired into the police of Scotland, recommended that in future one of those officers should be held responsible for the conduct and management of the police in those cases in which crime had to be investigated, and a suspected criminal pursued; and they also made a recommendation as to the payment by fixed salaries of Procurators Fiscal. He understood that the Commissioners of Supply for Aberdeenshire had this year considered whether they might not resist the claim of the Procurators Fiscal for extra fees, and whether they might not refuse to assess the county in order to pay him, and leave the police still responsible for the unreported cases, and that next year they were to take that course. The general course pursued in cases of suspected crime was for the police to conduct a sort of private preliminary investigation, and report to the Procurator Fiscal; who in turn, if he thought fit, carried on an inquiry into the case and reported to the Crown Counsel. A precognition was a preliminary investigation conducted at the instance of the Procurator Fiscal in the presence of a magistrate; but it appeared in the evidence before the Committee of the House of Lords that, as a rule, the Sheriff Substitute was too much employed by his multifarious other duties to be present at those investigations, and that practically they were conducted in many cases by the public prosecutor acting alone, with no magistrate of any kind present. Even the prisoner himself need not be present at those precognitions, nor was he entitled to be furnished with a copy of the evidence brought against him. He was entitled, indeed to a list of the Crown witnesses, but he was seldom able to make use of that information. That secret system of preliminary investigation was altogether different from the English system, and he thought they might, with great advantage, adopt in Scotland something analogous to that which prevailed here. The public, as well as the prisoners, suffered by the inquisitorial mode of carrying on those inquiries, because confidence was lost in the impartiality with which they were conducted, and there was fear of collusion. The public prosecutor in Scotland might drop the proceedings, and withdraw from the trial at any stage up to the moment of pronouncing sentence; nor need he give the public any reasons whatever for so doing—a proceeding which in many instances gave rise to very great dissatisfaction. He was naturally unable to give exact instances of cases in which justice had miscarried, because the secresy of the system prevented his knowing, and prevented the public from knowing, whether, in any particular case, justice had been done or not. All that he knew was, that the public felt that justice had not been fairly administered in some cases, which he attributed to the fact that public prosecutors were allowed to work so completely in the dark. No doubt the Lord Advocate would be able to contend that there were advantages connected with the secret system. That might be, but the evils far transcended the advantages. He would conclude by quoting words which had been often approved in this House—"Publicity is essential to the pure and impartial administration of justice." The hon. Baronet concluded by moving the appointment of a Select Committee.

Mr. MILLER, in seconding the Motion, said he fully concurred with the hon. Baronet in thinking that inquiry and improvement were required, for however applicable the system may have been to Scotland at one time, it now certainly required alteration. Procurators Fiscal were generally solicitors, and highly respectable; but in many cases the remuneration received by them for their public duty was not sufficient to maintain them, and the consequence was that they not only practised in the Sheriff's Court, to which they themselves belonged, but did business as insurance agents, bankers, and in other capacities. Their time was therefore frequently occupied by their private business. This arose from the smallness of the district assigned to each, and however necessary that arrangement may have been at one time, it is not so now; the country is in all directions intersected by railways and telegraphs, rendering communication rapid and easy. The districts ought to be made sufficiently large to ensure a higher remuneration, and thereby secure the services of men of the highest respectability, and who could devote their whole attention to the duties of the office. Then there is the system of private investigation practised by the Procurators, which is highly objectionable and should be abolished. He had had some experience of that system. Two gentlemen, who had acted as his assistants in railway works, had been sent for trial in the Justiciary Court after private investigations. In both cases the prosecution failed. Had the preliminary investigation been public, neither of those gentlemen would ever have been sent for trial. The whole tendency of these private examinations is to criminate the accused, and he has no means of meeting the accusation brought against him except at the trial. He thought that if the investigation were conducted openly, it would be better for the public, better for the investigation, and certainly would be more satisfactory to the public generally. The proceedings against the two gentlemen to whom he had referred cost them several hundred pounds.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the present system of conducting public prosecutions in Scotland, with the view of amending that system, if necessary, and of extending to other parts of the United Kingdom the institution of Public Prosecutors,"—(*Sir David Wedderburn,*)

Mr. GRIEVE supported the Motion. Owing to recent circumstances great dissatisfaction with the present system existed in the West of Scotland. In Greenock, in 1867, two murders by stabbing were committed; in 1869 two others were committed in the same way. When these cases came to trial before the High Court of Justiciary, the Crown Counsel came forward and said he was prepared to accept a plea of culpable homicide. A similar plea had been accepted more recently in the case of a woman murdered under circumstances so atrocious that he could not more closely allude to them in that House. He thought, under those circumstances, they were justified in asking for a Committee, and he trusted the Lord Advocate would accede to it.

Mr. DYCE NICOL said, he did not think a case had been made out for the inquiry proposed. We should soon have a Report from the Commission on Judicial Procedure in Scotland, which might indirectly bear on this question. The system of public prosecution, as conducted by the Procurators Fiscal in Scotland, was generally approved of, and was found to work satisfactorily. The mode of remunerating that office he considered highly objectionable, and calculated to interfere with the administration of justice, although, from the high character of those officers, it did not practically do so. Still, he considered the distinction quite indefensible, that when a case is reported to the Crown Counsel, the expense should be met by the Exchequer, and, when not so reported, it was to be defrayed by the county. This had led in most counties in Scotland to a bargain being made with the Procurator Fiscal, giving him a certain sum to do his duty. But in Aberdeenshire they had been unable to make a satisfactory arrangement, and they had no power to compel that officer to enter into such. He thought that the expense of all criminal investigations and prosecutions should be defrayed by Government, and not thrown on the landowners, on whom the burden of the police and county constabulary chiefly fell. He would urge on the consideration of the Lord Advocate the repeal of the Rogue Money Act, and that all assessments for criminal purposes should be leviable under the Police Act, the expense of prosecutions being undertaken by Government, and the only other object of that Act, the subsistence of criminals while in prison, would naturally come under the prison statutes.

Mr. MAXWELL said, that though he approved of much that had been said, he scarcely thought a case had been made out for inquiry. So far, the system had worked very well. There was a question connected with this subject of some importance. If any means could be devised for putting these gentlemen on a salary for all their work, whether in regard to what the country or the Government was liable for, it would be very satisfactory. This was now done by private arrangement. Another matter was the delay which took place in examining the accounts. It took three years to get them returned from Edinburgh. He hoped this would be reformed.

Sir JAMES ELPHINSTONE also thought no case had been made out for inquiry.

Mr. DENMAN hoped the Lord Advocate would regard this question from an English as well as from a Scotch point of view. A feeling was growing up in this country in favour of the appointment of a public prosecutor. The system of public prosecutors in Scotland was not by any means perfect; and it would be a great advantage to England if an inquiry were to be instituted into the working of the Scotch system, before any scheme involving the appointment of public prosecutors was adopted by this country.

Mr. CARNEGIE thought that many reasons might be given why they should have this inquiry. One, that had not yet been cited, was the doubt that sometimes existed whether any inquiry at all had been held in cases where inquiry seem desirable, and he should support the motion of his hon. Friend.

Mr. M'LAREN thought there should be inquiry, but he very much objected to its being supposed to depend on the character and conduct of the Procurator-Fiscal. What seemed horrible to Englishmen was, that a man should be arrested on a serious charge and examined in private, without counsel or friend being present; and the most damaging statements might be made by witnesses against him, also examined in private. He was then shut up in a gaol and his friends were not allowed to visit him, until he had undergone another examination, which was taken down in writing, and might be used against him on his trial. But all this had nothing to do with the character of the Procurator Fiscal—it was the remnant of the secret system which was at one time universal in Scotland. In his opinion the Lord Advocate could, on his own authority, issue an order that these examinations should be taken in public. He was decidedly of opinion that these officers should be appointed by the Crown and not by the Sheriff. It did not seem to him of importance whether the salary should be paid partly by the Crown and partly by the country. The question of salary was of no moment compared with the question respecting the proper administration of justice.

The LORD ADVOCATE said, he could find no fault with the hon. Baronet the Member for Ayrshire (Sir David Wedderburn) for bringing this subject under the notice of the House, for it was one of great interest, and he acknowledged that, in his temperate remarks, his hon. Friend had evinced his usual clearness of expression and his usual ability. Nevertheless, he felt bound to resist the Motion for the appointment of a Committee, not because there was anything in the present system of conducting public prosecutions in Scotland that he should desire to conceal, but because the system was entirely well known to everyone in authority; and, in fact, the amplest information was already within the reach of everyone who took an interest in the subject. He understood his hon. Friend to make no remark derogatory to the Procurators Fiscal; but, on the contrary, to admit, with everyone who addressed the House, that they were men of the highest character and reputation in their profession, and he was astonished that his hon. Friend the Member for Edinburgh (Mr. M'Laren) had treated his remarks as if they were so intended. Dealing with the subject on its merits, there were two matters which had been made the subject of considerable observation by the hon. and learned Baronet. The first had reference to the fact that the Procurators Fiscal were appointed by the Courts to which they were attached. The Procurators Fiscal of the Sheriff Courts were appointed by the Sheriff; the Procurators Fiscal of the Justices of the Peace Court by the Justices of the Peace; the Procurators Fiscal of the Magistrates of the Burgh Courts by the Magistrates. That had been the system time out of mind. Every Court appointed its own Procurator Fiscal to attend to the conduct of the public business before them. Upwards of 30 years ago, the Lord Advocate of the day brought in a measure for the purpose of transferring the appointment of the Procurators Fiscal of the Sheriff's Court from that Court to the Crown; but that proposal was very extensively objected to in Scotland, and it was not thought worth while to proceed with it, on the ground, he believed, that the Sheriffs exercised their power of appointment in an unexceptional manner. As the object was always to get the best local practitioner to take charge of the public business before the local Court, it was thought there could be no better qualified person to make the selection than the local Judge himself. Though it might be an anomaly that the Court should appoint the prosecutor, yet he (the Lord Advocate) had never heard the system objected to on any substantial ground, such as the miscarriage of justice, or other inconvenience resulting from it. In the next place, it had been made matter of comment by the hon. Baronet (Sir David Wedderburn) that the Procurators Fiscal were not confined to public business, but were allowed to take private business. This was a matter on which there existed a difference of opinion; but, in his judgment, the existing practice was advantageous in every way. The object was to get the best local practitioner in each county to attend to the public business, and consequently, it was reasonable to select for the office the practitioner who held the best local position, and in whom the highest confidence was placed. Now, it did not often happen that the solicitor who was deemed the most trustworthy man of business was altogether without employment; on the contrary, he was generally a man well employed by clients; and, if it were made a condition that those accepting the office of Procurator Fiscal should give up all their private clients, then there would at once be struck off the list of those available for the office all local practitioners who had obtained any considerable amount of business of their own. It must be remarked, too, that in such a case it would be necessary to put the office on quite a different footing from that on which it stood at present. The appointment was not a life appointment, but was an appointment during the pleasure of the Sheriff, and during his tenure of office. If, then, it should be required that the Procurator Fiscal should give up all private business, the office must of necessity be put on a permanent footing, and such a salary and retiring allowance must be attached to it as would induce competent persons to accept the appointment. This would be a considerable charge. And there was the further objection that there were very few districts in Scotland which afforded sufficient to occupy such an officer's whole time and attention, and by thus confining Procurators Fiscal to the conduct of public business their quality would not be improved; but, on the contrary, deteriorated. He would now advert to the third point to which attention had been directed, and that was the secret system of preliminary examination. He might here state, for the information of the House, that that was not a part of the system of public prosecutions, but applied equally to private ones, it being a part of the criminal law of Scotland. He might at once say that it was a system of which he individually could not approve, for he was of opinion that it was neither right in practice, nor defensible in theory, that an investigation involving an issue so important to any individual as the question whether he should be set at liberty or committed for trial should be decided behind his back, and that the evidence should be kept concealed from him. That ancient rule of law in Scotland had only been allowed to continue to the present time, because the system of public presecutions in that country was so excellent in itself, and had worked so admirably, that no practical injustice had been done under it, although he confessed that it was practically so objectionable. With a system of private prosecutions, indeed, it would be utterly intolerable; but, Scotch public prosecutors were so fair and candid, attending to the interest of justice, and to that only, without partiality, favour, or prejudice, that, notwithstanding the depositions — as they were called in England—were taken in the absence of the accused, he had not heard a complaint of even individual injustice thence arising; and he knew of nothing which was more strongly in favour of the present system than that there had been no complaint of injustice or of miscarriage of justice. He repeated, however, that the rule was objectionable in itself, and not conducive to the interests of justice, and he should not in the least object to consider, and that with a favourable disposition, any proposal to amend the rule of procedure in that respect; but it certainly was not necessary to have a Committee to take evidence on the subject. He would himself, if necessary, bring the subject under the attention of the House. Reference had been made to some individual cases—one in the town of Greenock, which seemed to have occurred through some fatality, in which the public prosecutor had restricted the charge from one of murder to that of culpable homicide, contrary to the prevailing opinion of the community. Individually he was no more qualified to express an opinion on the subject than any other hon. Member, yet it seemed to him that instances of error of judgment would occur under any system that could possibly be devised. It was in the power of a public prosecutor to restrict his "libel" as it was technically called, and he might depart from the charge wholly or in part, but that did not affect the system of public prosecutions; it was part of the law of Scotland, and might be equally adopted by a private prosecutor. Justice, he admitted, was better guarded in the hands of a public officer than in those of a private prosecutor, and he was not aware that any well-founded cases had occurred in recent years in which any charge could be made against the former. If it had been thought by anyone that a public prosecutor had failed to perform his duty by not pressing a charge to which he ought to have adhered, he (the Lord Advocate) would not only cause investigation to be made, but would even make it himself. No such complaint, however, had been made to him. His hon. Friend the Member for Greenock (Mr. Grieve) had adverted to a case which occurred just before he took his present Office—that in which a man was accused of murdering a woman. The trial was held at the Glasgow Circuit Court, after he succeeded to Office, and that was the reason why he was brought into communication with the presiding Judge, who volunteered the information that, in his opinion, the Advocate Depute—who had been assailed in the newspapers—had taken a right course, and one which had the entire approbation of both himself and his brother Judge on circuit. The public had not those means of judging which the Advocate Depute possessed, and if in that particular case the public had been accurately informed they might have been of the same opinion as the Judges, that there had not been any miscarriage of justice in that case. That, however, did not affect the system of public prosecutions, and if there had been a miscarriage of justice in any individual case it was only what might occur under any other system. With regard to the remarks of the hon. Member for Tiverton (Mr. Denman) he wished to remind the House that last week a Bill, the object of which was to introduce the system of public prosecutors into England, was referred to a Select Committee, which would have power, as far as the Members might think necessary to enable them to judge of the desirability of introducing the system into this country, to take what evidence they pleased. Reviewing the whole subject, it appeared to him there had not been made out any case for the appointmentof a Select Committee to take evidence upon this subject.

Mr. GORDON said, that he concurred generally in the views which had been expressed by the Lord Advocate, and especially in what he had said as to the first point of the proposed inquiry—namely, the appointment of Procurators Fiscal. He (Mr. Gordon) was equally of opinion that it should remain with the local Judges, who had opportunities of considering the merits of the various practitioners appearing before them, and to whose interest it clearly was that the best man should be appointed. With reference to the Bill which proposed to extend this system to England, he suggested whether some such mode of appointment as that adopted in Scotland might not prevent many of the objections which had been urged against the adoption of the system in this country—those objections being principally founded on the idea that the patronage was to be given to the Crown. The system adopted in Scotland had, to his thinking, worked admirably. As to Lord Cockburn, he rather thought that learned Lord had lived to change his opinion; while it was generally thought by the legal profession in Scotland that the existing mode of appointment was the best that could be devised, and that to transfer the power of appointment to the Treasury under any Government would be attended with considerable risk, because appointments, would occasionally, though not generally, be made with reference to political opinions, and to satisfy political claims. That objection was not applicable to the system at present followed in Scotland. As regarded the payment of Procurators Fiscal, the Lord Advocate was quite right in saying that if those officers were deprived of the opportunity they now enjoyed of conducting their private business, a very considerable advance in their salaries must be made, which would throw an additional burden on the public funds. That was, however, a fair topic for consideration, though his own inclination was to adhere to a system which had really worked well. Something similar existed in Ireland, where the Crown Solicitor conducted private business, and the system, he presumed, had been applied to Ireland upon considerations such as those which had been urged by the Lord Advocate. With regard to the practice of examining witnesses in the absence of the accused—a system to which the Lord Advocate was opposed—it should be distinctly understood that the Scotch law gave great facilities to the accused, who 14 days before his trial was furnished with a list of the witnesses against him, and when in Court always had the privilege of being defended by counsel; in addition to which there was the peculiarity of the Scotch jury system, by which a majority might convict or acquit, or might find a verdict of "Not proven," which enabled a conscientious jury to come to a conclusion that satisfied their own minds, without actually acquitting a prisoner, which must sometimes be the case if they had not that refuge. He trusted that the system of the private examination of witnesses would not be altered lightly, or without due consultation with persons who had well considered our system of criminal jurisprudence. He would venture to say that the system of administering the criminal law in Scot-had hitherto worked admirably. He was not aware of any defect in it, nor had he heard of anyone who had suffered injustice from it. While in theory it might not appear to be the best system, he would say there was no system of criminal administration that had worked better than that now in operation in Scotland.

Mr. GRIEVE asked to be permitted to state, by way of explanation, in reference to the four cases of stabbing he had referred to, that he had received from the Chief Constable of Greenock a telegram stating that a plea of culpable homicide was tendered and accepted in one case, and that the other three went to trial and were convicted.

Sir EDWARD COLEBROOKE said, that basing his opinion on well-authenticated statements, he believed that owing to the secret mode of conducting inquiries miscarriages of justice had taken place. The manner in which secret inquiries were conducted in cases of sudden death and fatal accident was eminently unsatisfactory, the matter being left to the discretion of a public officer, without any of those securities which the publicity of inquests afforded in England. Another matter deserving of attention was the manner in which the Procurators Fiscal were paid. If the mode of payment operated as an inducement to exertion—which he doubted—it unfairly laid them open to the imputation of augmenting business to increase their salaries.

The LORD ADVOCATE said, that the Crown invariably paid by salary; the counties also generally paid their proportions by salary, and although some counties did not, it was quite in their power to do so. No doubt they must carry the Sheriff of the county

along with them; but there was not a Sheriff in Scotland who would object to the adoption of such a system. The real difficulty was, that in one or two cases the counties wished to have the county rates relieved to a greater extent than was possible at present out of the public Exchequer; which showed that the whole business was not a mere question of payment by salary or fees, but of more or less relieving the local rates at the expense of the public Revenue. It might be possible to increase the relief, but it could be done only as it was done in England.

Sir DAVID WEDDERBURN, disclaiming any intention to attack officers who had worked well under a defective system, intimated that he should take the opinion of the House on his Motion.

Question put, and *negatived.*

EAST INDIA (OPIUM REVENUE).

RESOLUTION.

Sir WILFRID LAWSON: Sir, when the Indian Budget was before the House in August last year, the hon. Member for Penrhyn (Mr. R. N. Fowler) and myself made some remarks in condemnation of the system of raising a large portion of the Revenues of India from opium; and on that occasion the hon. Member for the Eastern Division of the West Riding (Mr. C. Denison) said it was not a question that could be properly discussed in that way; but that if we objected to the opium traffic and the opium Revenue, we should bring the question fairly before the House. In answer to the challenge, we venture to bring forward the Resolution which I have put on the Paper for to-day—

> "That this House condemns the system by which a large portion of the Indian Revenue is raised from Opium."

Before going any further, I had better explain that the principle which I believe in, and which has led me to propose this Motion, is the old and well-known principle that what is morally wrong can never be politically right. I do not want to dogmatize; I do not want to say that that is the rule which ought to be applied to all legislation. I only say that I believe it to be so. Those hon. Gentlemen who do not hold that opinion will find nothing in my speech which will warrant them in voting, or induce them to vote, for my Resolution.

It all depends upon whether they believe in the principle. If the principle be right, I must proceed to show that this traffic in opium, fostered and promoted by our Government, is in itself immoral and injurious to those among whom it is carried on; and having proved that, in accordance with the principle which I have stated, I think I shall have made out a ground for the House carrying the Resolution I have ventured to propose. At any rate the Prime Minister will not object to my principle, for I remember in a pamphlet which he wrote not long since, seeing these words—"Few would deny the obligation of a State to follow the moral law." It is a rather remarkable fact that the question—which I believe is a very grave question indeed, involving, as it does, the happiness of multitudes in the East—has never been fairly discussed in this House or fairly brought before it for 27 years. On the 4th of April, 1843, the Earl of Shaftesbury, who was then Lord Ashley, moved in this House a Resolution virtually the same as that which I am moving now. The Government of that day—the Government of Sir Robert Peel—did not venture to oppose the Motion with a negative, but felt themselves constrained to move the "Previous Question." Ultimately, however, Lord Shaftesbury was induced to withdraw his Motion, on the statement of Sir Robert Peel that negotiations were pending, and that such a Motion being carried in the House would interfere with those negotiations. No change has taken place since then in the system which Lord Shaftesbury condemned—that is to say, no material change. There is no change, of course, in the nature of the drug, or in the misery it causes to those who consume it; and there is no change in the habits of those to whom it is sold, and their desire to obtain it. But there is a change in certain circumstances which, perhaps, well warrant me in bringing the question now under the notice of the House. Since the day when Lord Shaftesbury made his Motion, there has been a great change in the government of India. We now are more directly and more distinctly responsible for that government than we were in the old days of the East India Company. Moreover, we have a new Parliament elected on a new franchise, and they may take a different view of the question to what the former Parliament did. Above all, I rejoice to say that the old-spirited foreign policy, which consisted, as far as I could understand it, in bullying the weak and truckling to the strong, is dead—I hope never to revive again. To prove my case, of course I must bring forward evidence. I do not like reading long quotations; but I must read quotations in this case, for my assertion of the nature of the traffic will scarcely be taken by the House. The House must understand that this opium, as prepared and sold by the Indian Government, is not medical opium; it is not a drug intended for the soothing of men's pains and sufferings. I have evidence here of the highest authorities which, I think, distinctly proves that. It would take too long to read it; but the House will take my word that that is the case. But I must prove what the real effect of the drug is. Lord Shaftesbury, in the debate to which I have alluded, read a most remarkable declaration signed by Sir Benjamin Brodie and 25 of the most eminent physicians of that day. The paper was drawn up by Sir Benjamin Brodie. I believe that Lord Shaftesbury offered it to him for signature, and Sir Benjamin Brodie himself altered it and made it stronger and more emphatic. This is what the 25 of the most eminent medical men of that day said—

> "They could not but regard those who promoted the use of opium as an article of luxury as inflicting a most serious injury on the human race."

Yet the Indian Government have gone on promoting its use from that day to this. The Court of Directors themselves, who were carrying on the trade, said, in a despatch to the Governor General, dated October 24th, 1817—

> "Were it possible to prevent the use of the drug altogether, except for the purposes of medicine, we would gladly do it in compassion to mankind;"

and Mr. Marjoribanks, many years in the service of the East India Company in China, and president of their select committee in Canton, said—

> "The misery and demoralization occasioned by it are almost beyond belief;"

and Consul Lay, as quoted by Mr. Montgomery Martin before the House of Commons in 1847, said—"It is hamstringing the nation." Mons. Huc, the celebrated Catholic missionary and traveller, gives an account of how it operates on the victims. He says—

> "With the exception of some rare smokers, all others advance rapidly towards death, after having passed, through successive stages of idleness, debauchery, poverty, the ruin of their physical strength, and the complete prostration of their intellectual and moral faculties. Nothing can stop a smoker who has made much progress in the habit."

One of our own missionaries, Dr. Medhurst, the eminent missionary of the London Missionary Society, says—

> "Calculating the shortened lives, the frequent diseases, and the actual starvation which are the result of opium smoking in China, we may venture to assert that this penicious drug annually destroys myriads of individuals;"

and again he says—

> "Slavery was not productive of more misery and death than was the opium traffic, nor were Britons more implicated in the former than in the latter."

Mr. Montgomery Martin, who held high office under the British Government at Hong Kong, says—

> "The slave trade was merciful compared with the opium trade. Every hour is bringing new victims to a Moloch which knows no satiety, where the English murderer and Chinese suicide vie with each other in offerings at his shrine."

And a Chinese mandarin well summed up the case when he said—"It is not the man who eats the opium, but the opium eats the man." Let me give you one more quotation, more telling than all—a quotation from the Select Committee of the House itself. The Select Committee on our Commercial Relations with China admit that—

> "They are afraid the demoralizing influence on the population of the opium trade is incontestible and inseparable from its existence."

These quotations are perhaps enough to prove that we are not wrong in condemning this traffic: but I got a letter this morning from Mr. Wylie, who, I fancy, knows as much of China as any man, for he has been employed by the Bible Society for the last 20 years travelling up and down the country, and he says—

> "Anyone who has lived half that time among the Chinese can scarcely have a doubt as to the destructive effects of opium physically, mentally, and morally. Undoubtedly this is one of the greatest evils with which China is affected, and unless some means be found to check the practice, it bids fair to accomplish the utter destruction, morally and physically, of that great Empire."

The system on which this traffic is carried on was stated last year very shortly and very clearly in the Budget speech of my hon. Friend the Member for Elgin (Mr. Grant Duff). He explained that in Bengal opium is grown by the Government: the Government are the actual dealers in it. They grow it and sell it at Calcutta by auction. The opium grown in Central India is shipped at Bombay. In round numbers, about half comes from Bengal and half from Bombay. In 1800 only about 4,000 chests were imported into China, and now the importation is rather more than 70,000 chests. It is important to understand the history of this trade. We must remember that all this opium was positively smuggled into China before 1860. There were proclamations forbidding its importation till that year, when, by the Treaty with Lord Elgin, the Chinese consented at length to admit it. That was the beginning of the system. The defence of this smuggling in those days was that it was connived at by the Chinese officials. I do not know enough of Chinese history to affirm or deny the truth of that view; but I am inclined to think that if true it proves too much. I have no doubt there was bribery and corruption among the Chinese officials to a very great extent; but I do not see how that could make the traffic any better. If men broke into the house of another, it would be no excuse to say—"We are in league with the footman." The bribery and corruption of officials to injure the Chinese Government only makes the case worse. Captain Elliot writes—

> "No man entertains a deeper detestation of the disgrace and vice of this forced traffic on the coast of China than the humble individual who signs this despatch."

That was in November, 1839. While this smuggling was going on the greatest efforts were made by our representatives to induce the Imperial Government to legalize this traffic; but they stood out resolutely against it, and got more determined to oppose the trade as they saw more and more of its evils. In October, 1836, they adopted strong prohibitory measures, and really in earnest set to work to try to stop this smuggling. They tried peaceable means for some time; but in 1839, when our own representative said that they almost succeeded in stopping the trade, the war broke out in consequence of the seizure of opium belonging to British merchants then on the coast of China. In March, 1837, the Imperial Government seized 20,000 chests of opium, worth at least £2,000,000, and they destroyed it. They did not make money of it as they might have done; but showed by destroying it that they were thoroughly in earnest in the endeavour to get rid of the traffic. It was said at the time that there was not a solitary instance in the history of the world of a pagan monarch destroying that which injured his people rather than fill his pockets with the gains, and I am afraid there are some Christian monarchies whose acts would not compare very favourably with this. The seizure was construed into an insult, though it was an act in strict accordance with their law, and was just and honourable. That was the ground on which the War of 1839 was commenced, and it was carried on till 1842, when it was concluded by the Treaty of Nankin, under which we exacted payment from the Imperial Government of $600,000 for the opium, $12,000,000 for the war, and $3,000,000 for debts due by Hong Kong merchants to British subjects. We got other stipulations in favour of trade; but the opium trade was still prohibited, though we did all we could to persuade the Chinese to legalize it. The Government insisted upon excluding that traffic. The Treaty of 1842 was carried out with a certain amount of success for a number of years; but it is worth notice that the other trade with China, from which we were to expect so much, did not go on increasing at all in the manner we were led to expect, and in 1854 our manufacturing imports into China were less than in 1835, a very remarkable fact to bear in mind in dealing with this opium question. That went on till 1857, when "the lorcha war," which everybody remembers, broke out. That was a war which, on looking backwards, I suppose almost all of us will admit we were entirely wrong in, the vessel being undoubtedly a pirate. We carried on the war in the most horrible manner, and, among other outrages, perpetrated the greatest piece of Vandalism of the present century, in burning and looting the Emperor's Summer Palace. The result of that was the Treaty of Tien-Tsing in 1860, and then, for the first time, the introduction of opium was sanctioned at a duty of 10 per cent. The Chinese begged hard to make it 20 per cent; but that was not conceded to them by our Plenipotentiary, and that duty of 10 per cent on opium has remained until within a very few months. But what was the opinion of our leading statesmen concerning that war? I am going to quote these opinions, not so much because they condemn the war itself, but because they condemn pretty strongly the cause of that war. The President of the Board of Trade said, with regard to the first war—

> "No man, I believe, with a spark of morality in his composition, no man who cares anything for the opinion of his fellow-countrymen, has dared to justify that war."

And what did the right hon. Gentleman now at the head of the Government say in 1840? He declared that—

> "A war more unjust in its origin, a war more calculated in its progress to cover this country with permanent disgrace, he did not know and had not read of. If the British flag were never to be hoisted except as it was then hoisted, we should recoil from its light with horror. Justice, in his opinion, was with the Chinese. Whilst they, the pagans, had substantial justice on their side, we, the enlightened and civilized Christians, were pursuing objects at variance both with justice and religion."

The point of that quotation is this, that we have been pursuing those objects ever since and are pursuing them now, not making war for them, but pursuing them in such manner as we are enabled to do from the result of that war. I have said that the duty on opium has been raised, and that the Chinese were anxious to have it raised higher, in order to restrict the trade as much as possible. Now, Sir, I apprehend that it is very possible my hon. Friend the Member for Elgin may say that the Chinese are not in earnest in opposing the introduction of opium into China. I have shown that they proved themselves in earnest in 1839; and if they are not in earnest, can he tell me why they should put out this proclamation? Their conduct in this treaty shows their earnestness. And there is another remarkable thing, that the rebels in China made it a part of their charter or their creed or their proclamation that they had a deadly hostility to the cultivation of the poppy in China. Both the Taepings and the Government united in condemning the poppy, showing that public opinion in China was decidedly against it. Surely we cannot be surprised at this condemnation of the traffic and of the cultivation of the poppy. Surely a Christian country can understand the language of the Chinese Emperor when he said—"Nothing can induce me to derive a Revenue from the vices and misery of my people." But there is another aspect of this great question, and that is, the injury that it does to us in that part of the world. I believe that our conduct in the war arising from this traffic with the Chinese has made us hated in the East. I have no doubt there are many Members of this House who look with dislike on missionary work. Some think the missionaries had better be employed at home. Now, I am not here to condemn or defend missionaries; but when they go out with their lives in their hands to proclaim what they believe to be the Word of God, I think we must honour them for their devotion. Well now, what do the missionaries say? They are not hated as missionaries; but they are disliked because they are looked upon as connected with the opium trade. The Rev. J. Edkins, in a letter to Sir Rutherford Alcock, said the hostility entertained by the Chinese to Protestant missionaries is not directed against them as a class, but as foreigners. A missionary was not long since driven out of a large city in the Province of Honan by a mob, led on by the native gentry, shouting—"You burned our palace; you killed our Emperor; you sell poison to the people; now you come professing to teach us virtue." Now this has been our policy, and I ask the House whether it is a policy that they are prepared to maintain and enforce? I remember hearing the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), in one of his periods of withering sarcasm, talk about gentlemen who speculate in shares and call it "progress." I wonder what he would say about a nation which becomes a wholesale druggist, administering poison to another nation, and calling this process the opening up of China. I have looked for arguments for this policy, and can find but two. It is said that the opium trade is no worse than the spirit trade at home. I shall not institute a comparison. All I can say is, that two blacks do not make one white. Moreover, this question is not to be decided by determining whether the spirit trade is bad or not, but whether the opium trade is itself essentially bad. But there is a difference which ought to be taken into account in considering this question. The Government themselves are the dealers in opium; they grow the opium, and sell it to the highest bidder. Now I boldly condemn that proceeding. I say that this trade, which the country fosters and promotes, inflicts infinitely more harm upon the people than it does good. I believe that many Members of this House think that the spirit trade produces a certain amount of good, though they never state what it is. But no one will get up and say that there is any countervailing benefit in the opium trade. But the real argument is this—the Indian Government says it wants the money, and has no other way of getting it. Now a right hon. Gentleman—whom I do not see on the Treasury Bench—dealt with this subject some years since in a pamphlet. I will not give his name; but he said—

> "Prevention of the trade is a sacrifice to morality so great that we hardly ought to impose it on our Hindoo subjects until we have washed our hands clean by ceasing ourselves to manufacture gin. Until then England surely has no right to force India to be more moral than itself, unless it is prepared to make up to India out of the English taxes the £4,000,000 which this morality would cost."

But I say that there are 300,000,000 of people in China, and that you are not to poison them any more than you are to raise increased taxation in India. It may be said that we might have a large market for our manufactures in China. But I am sorry to say I do not think it would be fair or honest in me to use that argument. I am afraid that opium is the only thing in which we are likely for some time to come to find a trade with China. What does Mr. Mitchell say? Writing to Sir Charles Bonham in 1852, he said—

> "We bring the Chinese nothing that is really popular among them except our opium. Opium is the 'open sesame' to their strong hearts, snd woe betide our trade the day we meddle with it to its injury. As fast as the Company will produce opium the Chinese will consume it."

My hon. Friend the Member for Elgin last year — I am still on the money point — admitted that the Revenue from opium was most precarious, and he said there were three reasons why he should doubt whether it could be maintained. The first was, that some political affair might arise which would induce China to prohibit the article; the second was, that some foreign country might take up the trade; and the third was, that the Chinese themselves might take up the cultivation. Now the latter fear is already realized. The cultivation of opium is rapidly increasing all over China. I think there is something inexpressibly sad when we think that only a few years ago this cultivation was not prevalent, and that it has been fostered entirely by our forcing the trade upon them, breaking down their opposition. Ten years ago opium was grown in small patches in gardens, or for ornament, the penalty for growing it being death. Now the popular belief is, that eight out of every ten men and one-half the women smoke. There is something inexpressibly sad that we have been that means of carrying all this misery to China. I should have thought that with 1,000,000 of paupers at home caused by drink, we had quite enough to answer for without carrying all this misery to another nation. I assert that all this demoralization cannot be justified on fiscal grounds, and I am happy once more to quote the Prime Minister, who has said on a former occasion—

> "Considering the Budget as a matter of finance, it is quite secondary to its moral and social bearings."

My hon. Friend the Member for Elgin may object to this as an abstract Resolution. I know that the Government hates abstract Resolutions, and this House hates abstract Resolutions, and I hate abstract Resolutions. But there is a time for everything; and I am unable to see how, on any occasion, I could have brought this question fairly before the House, and have it discussed, except by moving an abstract Resolution. Besides, I am not calling upon the Government immediately to disarrange all their Indian finance. I know it is impossible for them to act at once on any such Resolution; and I am not bringing a railing accusation against any Ministry or against any party. I believe that we have all been guilty. We have all suffered this evil to go on too long. It is time to put a stop to such an evil; and all I ask this House to declare is, that they are ready to sustain Her Majesty's Government in carrying out an Eastern policy more in accordance with the claims of justice, humanity, and national morality. The hon. Baronet concluded by moving his Resolution.

Motion made, and Question proposed,

> "That this House condemns the system by which a large portion of the Indian Revenue is raised from Opium."—(*Sir Wilfrid Lawson.*)

MR. R. N. FOWLER said: Sir, the hon. Baronet has put the consumption of opium on a par with the consumption of alcoholic beverages. I go farther. In my opinion the evils produced by opium are far greater than those that result from the use of beer, spirits, and wine in this country. In England beer and wine are frequently prescribed by medical men; but who ever heard of a physician ordering a patient to smoke opium? And the evil results of this use of opium in China are far greater than those which result from drunkenness, great as those undoubtedly are. My hon. Friend has already quoted a document signed by the late Sir Benjamin Brodie, and endorsed by 24 other medical men of great eminence. Sir, I think that this testimony is of great value, and I believe that the importance which the House will be disposed to attach to the opinion of these illustrious men will not be diminished when we remember that many of them are now numbered with the dead. Mr. Julius Jeffreys, F.R.S., formerly Staff Surgeon of Cawnpore and Civil Surgeon of Futtehgurh, in his work on *The British Army in India*, published in 1858, says to the effect—

> "The total production of spirits in Great Britain and Ireland, both for home consumption and exportation, exceeds 20,000,000 of gallons. A quantity alarming to contemplate. The opium consumed in China, if dissolved in that spirit, would just about suffice to convert it all into laudanum; and then, in the physician's estimate of its powers, all that solvent spirit present would be nearly as so much water compared with the opium. Moreover, opium acts not less, but more powerfully upon the Mongolian—the Chinese—than on the Caucasian—the European race; and not less, but more, when smoked, or rather deeply inhaled, than when taken into the stomach. . . . . . Is there one member sitting in the British or Indo-British Council Chamber who could refrain from denouncing as an offender deserving condign punishment the chemist whom he found teaching his household, for gain, to consume laudanum as an agent of vicious excitement? And would that chemist better his position; would he not rather drive the injured parent or husband frantic, by proving that his family by use could now consume it by spoonfuls with apparent impunity, or by arguing that if he did not entice them some other chemist would; or by coolly calculating how insignificant a proportion, and therefore loss, his family was to the whole population? Yet such, nay, in many respects worse than this, have been our doings in China."

I will next, with the permission of the House, read an extract from *The Middle Kingdom*—a work by S. Wells Williams, a well-known Chinese scholar and author—

> "The thirst and burning sensation in the throat which the wretched sufferer feels, only to be removed by a repetition of the dose, proves one of the strongest links in the chain which drags him to his ruin. At this stage of the habit his case is almost hopeless; if the pipe be delayed too long, vertigo, complete prostration, and discharge of water from the eyes ensue; if entirely withheld, coldness and aching pains are felt over the body, an obstinate diarrhœa supervenes, and death closes the scene. The disastrous effects of the drug upon the constitution seem to be somewhat delayed or modified by the quantity of nourishing food the person can procure, and, consequently, it is among the poor, who can least afford the pipe, and still less the injury done to their energies, that the destruction of life is the greatest. The evils suffered and crimes committed by the desperate victims of the opium pipe are dreadful and multiplied. Theft, arson, murder, and suicide are perpetrated in order to obtain it or escape its effects."—[Vol. II., pp. 393, 4.]

Dr. Bridges, who has recently been appointed a Poor Law Commissioner by the right hon. Gentleman the President of the Poor Law Board, in the essay on China which he contributed to the volume, entitled *International Policy*, says—

> "It is the interest, or the supposed interest, of the Indian Government to derive a Revenue of from £5,000,000 to £8,000,000 from the sale of opium to China. Every sophistry is therefore used to persuade the public of what every medical man in Europe knows to be false, that opium, in quantities of a few grains daily, is not injurious to health; and on the basis of that falsehood to found the inference that, if its excess be hurtful, that is no more than may be said of the abuse of alcoholic liquor; that its prohibition by Government would, therefore, stand on the same footing as the prohibition of wine, beer, and spirits, demanded by the supporters of the Maine Liquor Law, condemned by most reasonable men, on the ground that the abuse of a thing is no argument against its use. I say then, first, that every medical man in Europe knows, that whereas the use of beer or wine in small quantities is in most cases not injurious, the constant use even of small doses of opium, except in certain cases of disease, is injurious exceedingly. Secondly, whereas beer or wine can easily be taken in moderation, like tea or coffee, from year to year, without increasing the quantity, opium cannot. It requires constant increase to produce its pleasurable effects. This is a practical distinction of the greatest moment. In large manufacturing towns especially, where mothers of families work in factories, the physician sees its baneful effects on children to whom it is given by the tired nurse. The dose must be constantly increased. Two drops of laudanum—that is, one-tenth of a grain of opium—are enough to kill an infant of a month old. But under the sedulous ministrations of the nurse, a dose of 60 drops, equal to three full doses for an adult, is at last tolerated and demanded. In Bradford, the rate of mortality for all classes is high, 25 to 28 per 1,000, as compared with the average in the community of 22. But the mortality of children under five years is out of proportion even to that high standard, 230 per 1,000, as compared with the general English rate of 150. This I know from personal experience to be largely due to opium. But it would be entirely erroneous to measure the mischievous effects of opium merely or mainly by its effects in shortening life. Nor is it on the intellectual faculties that its worst evils primarily and directly fall. It is the manhood, the energy, the will, the concentration of purpose, that in the first place are attacked and undermined. The life-long suicide of Coleridge and De Quincy is painful evidence of this."

I think that the medical evidence I have quoted goes far to show that the use of opium is attended with much greater evils than those which arise from the use of spirits, fearful as they are; but I would point out that the action of the Government in regard to these two subjects is very different: for, whereas the duties which we impose upon spirits do much to check consumption, all our policy with regard to opium directly tends to stimulate its consumption by the Chinese. That is an important distinction. My hon. Friend has given various proofs of the great evils arising from the use of opium in China. These evils, however, are not confined to China, but extend to our own subjects in India. The evidence of Mr. Sym, a gentleman who had great experience in the cultivation of opium, as agent for the East India Company was—

> "Wherever opium is grown it is eaten, and the more it is grown the more it is eaten. . . . We are demoralizing our own subjects in India. Half of the crimes in the opium districts—murders, rapes, and affrays—have their origin in opium eating. One opium eater demoralizes a whole village."

Some of the most fertile lands in India are given up to the cultivation of opium, and the Government has done everything in its power to encourage the cultivation. The consequence is an increased production, for I find that, while there were 1,000 chests in 1767, there were 57,000 in 1855, and now there are 89,000. Mr. St. George Tucker, an eminent Director of the East India Company, made the following admission—

> "We introduced it (opium) into our own districts where it had not been cultivated before, or where it had been abandoned, and gave our Revenue officers an interest in extending the cultivation in preference to other produce much more valuable and deserving of encouragement."

Since the subject was brought forward many years ago—in 1843—by the Earl of Shaftesbury, the East India Company had ceased to exist, and the Imperial Government is responsible for everything that goes on in India; and thus, by promoting the growth of the poppy throughout Central Asia, as we have done by paying high prices, and by giving the Native chiefs an interest in producing rather than restricting the cultivation, this country has become accessory to the probable extension of a pernicious habit among a race of men whose well-being ought never to be an object of indifference to us. By encouraging and extending the growth of the poppy in our Provinces and becoming the retail vendors of the drug, we are promoting the introduction and extension of the same pernicious habit among our own subjects. I will now venture to trouble the House with an extract from a Minute of Sir William Muir, Lieutenant Governor of the North-West Provinces, dated the 27th February, 1868, in which referring to the proposed separation of the Indian Government from the traffic in opium, Sir William says—

> "The change would relieve the British Government from the odious imputation of pandering to the vice of China by over-stimulating production, over-stocking the market, and flooding China with the drug, in order to raise a wider and more secure Revenue to itself; an imputation of which, at least on one occasion, I fear that we are not wholly guiltless. . . . By retiring from the monopoly, the Government of India will avoid these and all other unseemly imputations. China wants opium, our traders and merchants are ready to supply it. The licence duty will still support the Revenue; and thus the action of Government will be that of check, and no longer of stimulus."

The testimony of Major General Shaw is to the like effect, and points out that the lands where opium was cultivated are among the best in our Indian dominions, and that consequently we are sacrificing some of those territories which are of great value as food-producing districts to the culture of this deleterious drug. Supposing a famine were imminent in India, would not the Government be to blame for devoting a large extent of the best land there to the cultivation of opium? What is the argument by which the maintenance of the opium cultivation is defended? The argument was well put by the hon. Member for Yorkhire (Mr. C. Denison) on the last occasion when the Indian Budget was brought forward. The hon. Member very candidly said—and I honour him for his candour—

> "At the present moment it was idle to discuss the question; we simply could not do without the Revenue from opium:"

and the fact is there is no argument adduced in favour of the traffic, except that we must have the Revenue derived from it. That is, strictly, the fact of the case. There is a remark I wish to make in reference to the Motion of Lord Shaftesbury in 1843—I wish to ask how we should have stood at the present time if the East India Company had assented to the views of Lord Shaftesbury? The opium Revenue of India was at that time a mere trifle compared with what it is now. If the House had then accepted that Resolution, and the Indian Government been compelled to place their finances on a more satisfactory basis we should not now be leaning upon this breaking reed of the opium Revenue. The subject has been three times before Parliament. Attention was directed to it in 1857, when the hon. Member for Marylebone (Mr. T. Chambers) gave Notice of Motion with respect to the question; but my hon. Friend unfortunately lost his seat, and the matter was not discussed. A great deal of attention was, however, paid to the subject out-of-doors. I recollect about that time, in company with my hon. Friend opposite, the Member for Merthyr, attending deputations to Lord Stanley, Sir Charles Wood, Mr. Wilson, and Mr. Laing. Between 1843 and 1857 the cultivation of opium had gone on to a great extent, and the Indian Revenue had very much depended upon that source, especially during the latter period. I do not wish to say anything against the East India Company. I have a great admiration for it. I believe the Company were justified in the proud boast made in a Petition presented to this House, and which was written by the eloquent pen of Mr. John Stuart Mill—

> "If the character of the East India Company alone were concerned, your petitioners would be willing to await the verdict of history. They are satisfied that posterity will do them justice."

But while I entertain this admiration for the Company, I cannot but reprobate its conduct on this question, and I believe that much of the feeling which caused its extinction had its origin in the agitation to which I have referred. It was supposed that if the Company was abolished the cultivation of opium would cease. Well, the Company has ceased to exist, and India is now governed by a Secretary of State responsible to Parliament, and what is the result? The opium Revenue has been nearly doubled since 1858. It may be objected that we depend upon this Revenue, and that it will not do to give it up on moral grounds. If, however, we do not give it up, it will give us up. The cultivation of this drug is increasing in the interior of China, and we must look forward to the day when our Indian Revenue will decline and finally cease. I hope Her Majesty's Government will be prepared to look this question fairly in the face, and to take measures by which the Revenues of India will not continue to be based on the existence of this deleterious traffic. It has been well said that what is morally wrong cannot be politically right. On this ground I make my appeal to the House. Many hon. Members are connected with missionary societies belonging to different denominations, which are actuated by one object, to circulate the Bible and preach the Gospel. I ask, is it consistent to go forth with the Bible in one hand and this poisonous drug in the other? I have spoken strongly upon this subject, because I feel strongly. I believe the conduct of the Government with regard to this question is one of the greatest blots to be found in the history of England, reflecting dishonour upon us as a moral, a civilized, and a Christian people; and I hope hon. Members will pause before they give their votes to support a system which disgraces the fair fame of the British nation.

Sir CHARLES WINGFIELD said, it should be clearly understood that the logical conclusion of this Motion must be that they should give up not only the manufacture but the growth of opium. It was just as immoral to raise a Revenue from opium grown spontaneously as from opium grown by the Indian Government; and if the question was to be decided on moral grounds, this Motion involved the suppression of the cultivation of opium entirely, and the relinquishment of all Revenue from so impure a source. But were we bound, by the dictates of morality, to withhold this drug from the Chinese? The Chinese Government and Chinese people did not appear to think so. The Chinese Government had shown their desire to levy a larger Revenue than the present from the Indian opium trade under the recent revision of the Treaty, and the Chinese people had largely increased the cultivation of the poppy. It was surely taking rather too exalted a view of international duty to hold ourselves bound to be more solicitous for the health and morals of the Chinese people than the Chinese were themselves. The people of China would have opium any how. It had been said that we had given the Chinese this taste for opium; but he begged to point out that the habit of eating opium had been prevalent, from very early times, in all Oriental, countries. But was it, after all, so certain that the effects of opium eating were so prejudicial as they had been represented to be? Its consumption was said to produce physical deterioration. How was that reconciled with the fact that China had such a teeming and industrious population? In India, no doubt, mental torpor and imbecility were sometimes produced by opium eating; but in England the same effects were produced by gin drinking. His experience convinced him that the moderate use of this drug was not more prejudicial or injurious than the moderate use of alcoholic drinks. It was a great mistake to suppose that it could not be used in moderation. The Sikhs were most addicted to opium eating, yet they were the most energetic race in India. But whatever the effect of opium in China, the result was greatly to reduce its consumption in India. The cultivators must bring the drug to the Government factories, and the quantity they could retain surreptitiously was very small. In the whole Presidency of Bengal the annual consumption of 100,000,000 of people did not exceed in value £150,000. Its price was so high that the drug was placed beyond the reach of all but the richer classes. Besides, its cultivation conferred great benefits on the districts where it was carried on. There was no halting-place between the abandonment of the present system and the complete suppression of the manufacture. An alternative had been suggested that the cultivation should be entirely free, and that the exclusive privilege of selling should be given to contractors. The contractors would find it impossible to prevent the growers selling surreptitiously, and the result would be an enormously increased consumption in India. He admitted our Revenue from opium was in a very precarious condition indeed; but the reason Indian opium had maintained its place so far was its superiority in strength and flavour, owing to the excellent method of cultivation adopted in India. The ground for opium required much preparation and high manuring; but, no doubt, the Chinese would soon learn how to grow opium as well as we could, so that if the hon. Member had delayed his Motion for a few years it would have become unnecessary by the disappearance of our opium Revenue.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present—

MR. M'ARTHUR said, he had great pleasure in supporting the Motion. Indeed, he was astonished that there should be any opposition offered to it; for all the facts led to one conclusion—that this pestilent and unholy traffic had inflicted on a large portion of the human race as dire evils as were ever entailed by the slave trade; and, it seemed to him, was supported by very much the same arguments. He did not propose to repeat the moral arguments—he would prefer to offer some considerations on the commercial aspect of the question. In this point of view he could not but think the position taken up by some hon. Gentlemen was most unwise. Look at our exports to China, and compare them with our commercial relations in regard to other countries—say our Australian Colonies. Last year, although the imports from China to this country amounted to £11,217,450, the exports from England to China, with its population of 400,000,000, did not exceed £6,421,957; while the English exports to Australia during the same period—to Australia, with its 2,000,000 of people—were no less than £12,571,473. The facts spoke for themselves, and showed how the opium trade had deadened the enterprize of the Chinese Empire. The traffic was also exercising a most pernicious influence on the resources of India itself. There was presented to that House a short time ago an abstract of correspondence which had taken place between the Secretary of State for India and the Governor General of that Empire on the subject of a revision of the Budget statement of 1869. There were some very remarkable statements in that Paper, one of which he would read to the House, as it showed the very unsatisfactory condition in which their Indian Revenue stood. The Governor General said—

> "We stated to your Grace, without reserve, the conclusions and anticipations we had formed with regard to the results of our finance in the past and present year. We have shown that the past year, instead of closing, as was anticipated in the Budget Estimate, with a surplus of £243,550, has closed actually with a deficiency of £2,273,362. During the last three years there has been a constant deficiency, the average amount of which has exceeded £1,900,000."

And then he went on to state—

> "While the accumulated deficiency of the three years ending 1868-9 has amounted to £5,750,000, the cash balances from our Indian Treasury have fallen from £13,770,000 at the close of 1865 to £10,360,000 at the close of 1869; and, notwithstanding our recent loan of £2,400,000, are at this moment lower than they have been at this season for many years. During the same period our debt has been increased by £6,500,000, of which not more than £3,000,000 have been spent on re-productive works."

He thought that statement was anything but satisfactory as regarded our position in India financially at the present time; and he believed a great deal of that was to be attributed to the course which they had pursued with regard to this opium traffic in China. He gladly supported the Motion.

MR. C. B. DENISON said, he had not a word to say against the remarks of the hon. Baronet (Sir Wilfrid Lawson) as to the deleterious effects of opium eating; and, if the consideration of the question could be based on moral grounds alone, there were few Members in the House who would not go into the Lobby with the hon. Gentleman. But it was well that the House should understand how large a question this was — how much it was connected with other and much wider considerations. It was intimately connected, not only with the finances of India, but with the trade of England, of India, and of China. The Revenue derived by the Indian Government from opium might be roundly stated at £8,000,000. That was the profit which the Indian Government derived from its connection with the opium trade. Almost the whole of the opium went to China, and was there sold for a very much higher sum. And it was unquestionable that of the large amount of £11,000,000 which the export trade of China with this country reached, three-fourths were paid for by the price of the opium; and therefore it behoved those who took the China view of the question to ask themselves what would be the position of our China trade if this opium traffic were suddenly and violently put a stop to? As to what had been said in regard to the opium traffic having the effect of diminishing the Chinese demand for our manufactures, he was at a loss to understand how that could be. The recent Report of the Shanghae Chamber of Commerce had proved that at the present moment there was really no demand in the interior of China for our goods, except for certain descriptions of cloth, and hence the narrow proportions that our trade in China had as yet assumed, though he was ready to admit that the opium traffic might have a certain effect in diminishing the Chinese demand for our goods. The gross Revenue of India might be taken at £45,000,000, of which about £8,000,000, as he had said, was derived from opium. Would any hon. Gentleman, who was prepared to go into the Lobby in support of this abstract Resolution, ask himself the question, what would be the result, if so large a branch of Indian Revenue were at once cut off? For he might remind the House, as the hon. Member for Gravesend (Sir Charles Wingfield) had done, that there was no half-way between absolute prohibition and the regulation of the trade which now existed—either the growth of opium must be absolutely forbidden, or it must be, as now, recognized and regulated. He could not avoid impressing on the House that, putting aside the moral point of view, the acceptance of this Resolution would be disastrous, not only to the finances and the trade of India, but to the trade of England and of China. The hon. Member for Penrhyn (Mr. R. N. Fowler) had said a great deal about the deleterious effects of opium eating and smoking. All would admit that if we could change human nature and make mankind wise and sober by Act of Parliament, there were a great many things in our own country which we should be very glad to see changed. But what would the Chancellor of the Exchequer say if some one were to move an abstract Resolution that the malt duties were pernicious, and ought to be done away?—and there were plenty who took that view on the ground that the cheaper and better we made malt liquor the more the consumption of spirits, particularly gin, would decline. The Chancellor of the Exchequer would say—"I admit your arguments, Gentlemen, but how am I to do without the Revenue?" And that was the answer that must be given by the Under Secretary for India or any other person responsible for its Revenues. It was easy to imagine the dismay that such a Resolution as this would excite in India, embarrassed as her finances already were. It was only within the last 48 hours that the news had come by telegraph that the price of opium had fallen some £20 per chest, which on 90,000 chests represented something very near £2,000,000. With a probable loss of £2,000,000 in this branch of Revenue, and with the whole of India exclaiming against the imposition of a new income tax, what would be the effect on the minds of the Governor General and others responsible for the finances of the country if the news went out that this Resolution had been passed by the House of Commons in all its naked deformity? An abstract Resolution like this, even if passed, could not be carried into effect for a long series of years. The present system could not be done away with except under the fullest and most mature consideration of the sources from which the present Revenues of India were to be maintained. He took the liberty of saying last year, in the debate on the Indian Budget, that if the opium Revenue were from any cause to be suddenly put an end to, there would at once be a stop to every public work and every improvement in that vast country. He reiterated those words on this occasion; and he should be very much surprised indeed if the House, taking a practical view of a great question, allowed itself to be led away—he would not use a disrespectful phrase—by a sentimental idea. He had no doubt that the hon. Gentleman on the Treasury Bench (Mr. Grant Duff) would express, in even stronger language than he could do, his sense of the impolicy of accepting that Resolution.

MR. W. FOWLER said, he thought that if anything could induce the House to vote for the Motion of the hon. Baronet the Member for Carlisle, it would be the speech they had just heard. He was fully aware how great was the experience of the hon. Member (Mr. C. B. Denison) in regard to India and its affairs, and no one could have more respect than he had for his opinion; but he confessed that the hon. Gentleman's arguments had greatly astonished him. What the hon. Gentleman said came to this—In the first place, that if this Motion were carried, the trade of India and China, and England's trade with both of those countries, would be disorganized; and, in the next place, that the Indian Government could not do without the money it derived from opium. Those he understood to be the two points of the hon. Gentleman's argument. Now, when a moral question was involved, he maintained that they must let those things take care of themselves. It was an old maxim, which they heard a good deal of about two years ago, that they were to "Be just and fear not;" and he hoped it would not be forgotten now by those who sat on that side of the House, and that they were determined to abide by it. As to the trade question, he thought they might as well let that alone—his experience was that, whenever that House had attempted to bolster up the trade of the country it had generally made a great mistake; and he thought our trade could very well be left to look after its own interest. He thought the hon. Member for Lambeth (Mr. M'Arthur) had shown that the weight of the argument was on the other side, and that they were far more likely to have a good trade with China if this Resolution were carried than they had at present. It certainly was very remarkable that our trade with China had not developed more than it had done. He was not prepared to say that opium was the only cause of its non-development; on the contrary, he thought it had many causes; but, among them, it was very likely that opium was one. At any rate, if the House was convinced that the action of this country in this case was unjust and unrighteous, it ought to put an end to that action, and leave the trade question to take care of itself. But he confessed that the other point raised by the hon. Gentleman (Mr. C. B. Denison) was one of great difficulty. No doubt, the finances of India were in an awkward position——no doubt, if we lost £6,000,000 or £8,000,000 sterling suddenly, we could no longer go on spending that money on public works—unless, indeed, we found some way of diminishing our general expenditure. But the House had to consider not whether there was not a great difficulty on the question of finance, but whether they had not a greater difficulty to encounter in the present state of things; and, whether it was a tolerable thing that this country should do, for the sake of £6,000,000 or £8,000,000 sterling, that which the conscience of the House declared to be unrighteous and unjust. He hoped they would never lose sight of the maxim—nay, the command, Not to do evil that good might come—that command, if applicable anywhere, was surely applicable to a question of trade; and if it were applicable to the opium trade, the House ought not to be asked to give way to the argument that it was a trade by which we gained a great deal of money. The hon. Gentleman opposite, he was quite sure, would not ask any hon. Member, in his individual capacity, to commit a flagrant breach of morality in order to make money; and would he ask the House and the nation to do so collectively? He considered, therefore, that argument to be one that would not bear examination. Whatever the difficulties might be—and he did not deny that they were great—he maintained that it was their duty to meet them, to grapple with them in some way or other, and not to continue to do that which they believed to be wrong. He would rather that we should sanction an Imperial guarantee of an Indian loan, than allow the nation to go on doing that which it considered to be productive of evil, for the sake of swelling the Revenue. To compare the question of a few millions of money with the importance of rightdoing on the part of a great nation like ours, was a mode of proceeding which was wholly unworthy of that House. He did not desire to detain the House by entering into any details; but he could say that, for many years, he had been profoundly convinced that they were doing wrong in continuing that system; and he did hope, therefore, that the House would that night, by an emphatic vote, no longer give its sanction to that which he believed to be immoral, for the sake of either money or trade.

Mr. M. CHAMBERS said, they had had in the course of the evening, and they now had, a very melancholy exhibition of the interest taken by Members of the House of Commons in one of the most important questions that could possibly be raised; and it was with considerable reluctance that he rose under such mortifying circumstances to address those who were present. The Resolution proposed was righteous and moral, and it was impeded by an attempt to count out the House, and opposed by arguments scarcely worthy of humane politicians. It should be remembered, however, that when the most distinguished orators strove in that House to abolish the slave trade, they were over and over again met by the very same arguments as were used on the present occasion—as, for example, that our trade and our Revenue would suffer by its abolition, and that the commercial and personal interests of many were involved in its continuance. He hoped to be forgiven for stating his view of the question in the plainest possible way. He would ask them, were they inclined to continue a system of poisoning innumerable persons—for that was the real question—they could not blink it—for the purpose of raising a larger Revenue? Were they not bound to condemn and relinquish a Revenue which was derived from a system of poisoning? The opponents of this Motion admitted that opium was poison; but urged they could not pay their way unless they grew it and sold it to the Chinese. If a tradesman were to excuse himself for selling poison to the poor who came to him on the plea that he could not live unless he did so, he would be told that he was a disreputable and dishonest man. A nation or a Government in such a case could not justly do that which would be wrong and wicked in an individual. If the Chinese Government were to ask the Indian Government why it poisoned its subjects, how could the Indian Government answer with any face that it did so because it must make money? It was said that it was necessary to consider how to supply the ways and means for the maintenance of the Indian Empire, and that the Indian Chancellor of the Exchequer could not do so satisfactorily unless he poisoned the Chinese. And, although they all agreed that it was wrong to poison the Chinese, yet, as our balance-sheet would otherwise be totally wrong, we had for several years gone on improving and increasing our Revenue by poisoning the Chinese. He would ask the Prime Minister, who was, he observed, kindly sitting in his place for the moment, what the Chinese Government said upon this question? Did they not say we were doing them a serious wrong? Every Report told us that the Chinese Government had been remonstrating for a great length of time against the introduction by us of this enormous quantity of poison into China. We had even gone to war with China on this very account, because they seized a portion of this pernicicious merchandize, and destroyed it as poison. We asserted, in our self-sufficiency and self-conceit, that we were in the right—we asserted that the Chinese were barbarians, and that they were rightly considered as barbarians—and we went to war with them and proved them in the wrong by vanquishing them. He regarded this as one of the most serious questions ever presented to Parliament, and he believed that the Resolution of the hon. Baronet would have the entire concurrence of the whole nation.

Mr. GRANT DUFF said, that his hon. Friend who had brought the Question forward (Sir Wilfrid Lawson) had asked the House to condemn the Indian opium Revenue. His hon. Friend had asked the House to take a grave step—one of the very gravest which it could take—with reference to our position in Asia. He did not know whether his hon. Friend was altogether aware of the tremendous character—he used the epithet advisedly—of the proposition which he had submitted to the House; but certainly some of those on whom he reckoned for support were not aware of it. The net average amount of our opium Revenue during the last 5 years, for which the accounts had been laid before Parliament, was £5,781,890. In the year 1867-8 — the last for which the accounts had been laid before Parliament—it rose to the great total of £7,049,447, after all expenses had been paid. In short, it amounted to between one-fifth and one-sixth of our whole net Revenue. And the House would observe that, unlike most items of national Revenue, these millions were not the product of a tax upon our own subjects; they were a contribution in aid of the wealth and prosperity of a country the responsibility of whose government had been undertaken by the Parliament of Great Britain, arising from a tax, not on the necessaries of life, but on the luxuries of a people for whose wealth and prosperity the British Parliament was no more directly responsible than was the American House of Representatives. They were a contribution paid chiefly by China, partly by the Indo-Chinese Peninsula and the Eastern Islands, to help us to make India what we desired her to be, and what, if rash hands did not interfere, she might well become — one of the most prosperous portions of the earth's surface. Let him suppose for a moment that the House were to listen to the proposal of his hon. Friend. One of three things would result from his maleficent benevolence—either the loss occasioned by the destruction of this great feeder of its prosperity would have to be made up by obtaining from some other quarter an equally large subsidy in aid of India; or an enormous new tax would have to be levied upon India; or the development of the resources of that country—so full of resources as yet imperfectly developed—would have to be proceeded with at a rate so slow as to drive all its well-wishers in Europe and all its most intelligent inhabitants to despair. Take the first of these three possible things. Was it worth seriously discussing — was it conceivable — that the British taxpayer — not too lightly burdened already—would allow himself to be mulcted to the tune of some £6,000,000 annually in order that he might pay a benevolence to India? Take the second possible thing. Would it be tolerable that to enforce a view of morality which was not theirs, which had never, indeed, been accepted by any large portion of the human race, we should grind an already poor population to the very dust with new taxation? His hon. Friend's charity certainly began very far from home. Take the third possible thing. If we were to give up the powerful lever for raising the position of India which this opium Revenue gave us—if we were to give up the better part of our golden dream of improvement and civilization—would it not be wise to reconsider the whole question of our connection with India. Would it be worth while to continue under the burden of a responsibility which already weighed us down, if we felt that at every step we were hampered by want of means? Why, already we found it extremely difficult to make the two ends meet. A year of surplus in India was a most unusual phenomenon; and if at one blow the opium Revenue was struck away, the Indian Empire would be on the high road to bankruptcy. Even the gradual diminution of our receipts from opium—which was, as he showed the House last year, a very possible contingency, though our information from China, that land of mystery and half knowledge, is not conclusive—made all persons connected with the administration of India look very grave indeed. A new tax which should not be economically injurious or politically dangerous, and which should bring in a considerable amount of money, was a desideratum on which Indian financiers had not yet hit. His hon. Friend, however, had no compassion for the Indian taxpayer, none for the holders of our Government and railway stocks, whose property he was consciously or unconsciously threatening; none for our merchants and millowners, who wished to open up India that they might get raw products from it and send manufactured goods to it. He had no compassion for any of the other countless interests that were more or less concerned in that great country; he said—*Fiat justitia, ruat cælum.* Set but the British Parliament free from any suspicion of promoting the consumption of the accursed thing, and all else might be left to be set right as best it might. Well, then, he would meet his hon. Friend upon his own ground, and examine, first, how far the consumption of the so-called accursed thing was promoted by our action in India; and, secondly, whether the so-called accursed thing was an accursed thing at all. And at this point he must state clearly to the House what the relations of the Indian Government to opium cultivation and the opium trade really were. The Indian Government was interested in opium in three different ways. It derived a small income from licences given to retail dealers to sell opium—a drug comparatively little consumed in India. It derived a very large income from what was known as the "Bengal monopoly," and from the tax upon the opium which found its way to the Bombay seaboard. Of the first of these he should say no more. It formed a fractional part of the Excise Revenue, and did not figure under the head of opium in our accounts. Of the other two sources of opium revenue he must speak at more length. The "Bengal monopoly" dated from the first years of the present century, and was worked in this way. No one was allowed to cultivate opium without a licence; but every person who pleased might have a licence upon undertaking to deliver the juice at a fixed price to the Government factories, which were situated at Patna for the North-West Provinces, and at Benares for Bengal proper. The cultivation of the poppy was a very favourite one, being decidedly remunerative upon soil which suited it. After the juice was scraped off and collected it was carried home, mixed, and sent in jars to the Government depôt, where it was prepared with infinite care, the object being to produce as good a quality as possible; for it was upon quality, rather than quantity, that our profits depended. China alone could grow any quantity of opium, had long grown much opium, and was now growing vast quantities of opium. Our object, however, he said, was to produce an opium so good that those who chose to buy from us might, at least, get an excellent article of its kind. When the opium had gone through the process of manufacture it was packed in chests containing each 140lb., and was sent down to Calcutta, where it was disposed of at monthly sales by auction—the profit to the Government consisting of the difference between the price it paid for the crude poppy juice and the price it received for the manufactured article, less all the expenses of manufacture and transport. Most of the opium sold at Calcutta was bought by native Indian merchants, who sent it to China; but we had no control over their arrangements, and, as a matter of fact, a good deal of it went elsewhere. Of course, there was a great deal to be said against this Bengal monopoly on politico-economical grounds. He supposed no one would invent such a system now-a-days; but we did not invent the system—we inherited it; and he was quite content to rest our defence for continuing it partly on the fact that most authorities told us that to alter it would cause, at least for a time, serious disturbance to the Revenue, and partly on the fact that we had had, during the last 20 years, such an enormous number of changes to make in India which were absolutely necessary that we well might be excused for not altering anything that we could avoid altering. He was sure that there must be over 100 Members in that House who had seen, since they entered public life, almost every great institution connected with our government of India altered from its very foundation. Of the Indian political edifice as it was in 1852 he thought he might say, with nearly literal truth, that one stone was not left upon another. Then he came to the Bombay opium—so called, not because it was made in the Presidency of Bombay, but because it found its way to the outer world through the port of Bombay. Nearly all of this was made, not in our own territories, but in various native States in the regions known as Malwa and Guzerat. Before this opium could reach the sea it must pass through our possessions, and we did not allow it to pass through until it had paid us a heavy transit duty—a duty which had been as high as Rs. 700 a chest, and which stood now at Rs. 600 a chest. Passes for this opium were issued at Indore for the Malwa portion, at Ahmedabad for the Guzerat portion; and these passes cleared the drug till it was placed on shipboard. This was a much simpler and better arrangement than that which prevailed in North-Eastern India. If the circumstances and the natural configuration of our dominions there at all resembled the corresponding circumstances and the configuration of the other side of India, he should certainly not now have to speak of the Bengal opium monopoly as of an existing institution. As it was, no one, except those who had been working the system all their lives, was, so far as he was aware, particularly enamoured of the Bengal monopoly. But none of its opponents had as yet convinced the Indian authorities that a change could be effected without a great sacrifice, at least for a time. Supposing it were found possible to adopt a plan akin to that in force on the Bombay side, the connection of the Government of India with opium would be altogether what it almost was at present—that of a Power which said to the consumers of opium—

"It is no business of ours to prevent you indulging in your favourite luxury; but, if you do indulge in it, we mean to take uncommonly good care that by indulging in it you shall largely contribute to the improvement of India." That was altogether our attitude with regard to the opium in Western India, and it was almost our attitude with regard to the Bengal monopoly, for, as Mr. John Stuart Mill had well pointed out, the Bengal monopoly operated virtually as an export duty. It must be obvious to everyone that the fact of our raising a large Revenue from opium tended not to encourage, but to discourage its use. He really did not see what we could do to discourage it that we did not do, unless we were to forbid the cultivation of the plant altogether. ["Hear!"] The hon. Member who cheered was very generous with other people's property; but that would be to inflict an enormous fine upon our own territories and to do a frightful injustice to the population beyond our own territories. He could not believe, indeed, that anyone would seriously ask that Holkar and the other Native Princes in whose territories the Bombay opium was grown should be compelled to impoverish their subjects by forbidding them to grow the poppy; and, even if we wished, we had now no treaty rights that would enable us to do so. We once had; but the enforcement of them led to such alarming results, and came, indeed, so near to raising up in Central India a class of men as dangerous and desperate as the Pindarees, that the attempt was abandoned in the year 1830. Now then, that he had explained how far the Government in India and the British Parliament through them was really concerned with the so-called accursed thing, he came to consider whether the so-called accursed thing was really an accursed thing at all. He was afraid that he could not hope that any remarks he might make would produce the slightest effect upon the mind of his hon. Friend. His hon. Friend was so bitter an enemy of alcohol, that it was hardly natural that he should listen with patience to anything short of a Philippic against opium. His hon. Friend's views, however, on the subject of spirituous liquors were not the views of the majority of that House; and he thought that most Members present would have approached the consideration of the important question to which his hon. Friend had called attention under the impression that if it was indeed true that alcohol and opium, and the several classes of powerful agents to which they belonged, were really simply evil, the world had waited a very long time for this discovery. He asserted, then, in the most decided manner, that there was not anything like conclusive evidence that opium used in moderation was at all productive of evil to its chief consumers, the Chinese. And here, as the hon. Gentleman had quoted so many authorities, the House would perhaps allow him to read one or two extracts in illustration and corroboration of what he had stated. The first of those was from one of the books of Mr. Fortune, the well-known traveller in China. That writer said—

> "From my own experience, I have no hesitation in saying that the number of persons who use opium to excess has been very much exaggerated; it is quite true that a very large quantity of the drug is yearly imported from India, but then we must take into consideration the vast extent of the Chinese Empire and its population of 300,000,000. I have, when travelling in different parts of the country, often been in company with opium-smokers, and am consequently able to speak with some confidence with regard to their habits. I well remember the impressions I had on this subject before I left England, and my surprise when I was first in the company of an opium-smoker, who was enjoying his favourite stimulant. When the man lay down upon the couch and began to inhale the fumes of the opium I observed him attentively, expecting in a minute or two to see him in his 'third heaven of bliss;' but no, after he had taken a few whiffs, he quietly resigned the pipe to one of his friends, and walked away to his business. Several others of the party did exactly the same. Since then I have often seen the drug used, and I can assert that in the great majority of cases it was not immoderately indulged in. At the same time, I am well aware that, like the use of ardent spirits in our own country, it is frequently carried to a most lamentable excess."

His next quotation would be from Balfour's *Cyclopædia of India*, as follows:—

> "Opium is at present largely consumed in the Malayan islands, in China, in the Indo-Chinese countries, and in a few parts of Hindustan, much in the same way in which wine, ardent spirits, malt liquor, and cider are consumed in Europe. Its deleterious character has been much insisted on, but generally by parties who have had no experience of its effects. Like any other narcotic or stimulant, the habitual use of it is amenable to abuse, and, as being more seductive than other stimulants, perhaps more so; but this is certainly the utmost that can safely be charged to it. Thousands consume it without any pernicious result, as thousands do wine and spirits without

> any evil consequence. I know of no person of long experience and competent judgment who has not come to this common-sense conclusion. Dr. Oxley, a physician and naturalist of eminence, and who has had a longer experience than any other man of Singapore, where there is the highest rate of consumption of the drug, gives the following opinion :—'The inordinate use, or rather abuse, of the drug most decidedly does bring on early decrepitude, loss of appetite, and a morbid state of all the secretions; but I have seen a man who had used the drug for 50 years in moderation without any evil effects, and one man I recollect in Malacca who had so used it was upwards of 80. Several in the habit of smoking it have assured me that, in moderation, it neither impaired the functions nor shortened life, at the same time fully admitting the deleterious effects of too much.' There was not a word of this that would not be equally true of the use and abuse of ardent spirits, and perhaps even of tobacco. The historian of Sumatra, whose experience and good sense could not be questioned, came early to the very same conclusion. The superior curative virtues of opium were undeniable, and the question of its superiority over ardent spirits appeared to him to have been for ever set at rest by the high authority of Sir Benjamin Brodie, who said—'The effect of opium when taken into the stomach is not to stimulate, but to soothe the nervous system. It may be otherwise in some instances, but these are rare exceptions to the general rule. The opium eater is in a passive state, satisfied with his own dreamy condition while under the influence of the drug. He is useless, but not mischievous.' "

His third and last quotation would be from a Report by the First Assistant and Opium Examiner "on the poppy cultivation and the Benares Opium Agency," in the *Selections from Records of the Bengal Government in* 1851—

> "In concluding, I would offer a few observations on the subject of the influence which the practice of opium-smoking in China is supposed to exert upon the moral and physical constitution of the inhabitants of that country. This question, be it observed, can never be settled in a manner to satisfy impartial and philosophic inquirers until the demonstrative evidence of statistics shall be brought to bear upon the subject, and until that shall be the case we must rest satisfied with the evidence of unprejudiced observers. It has been too much the practice with narrators who have treated the subject to content themselves with drawing the sad picture of the confirmed opium debauchee, plunged in the last state of moral and physical exhaustion, and, having formed the premises of their argument on this exception, to proceed at once to involve the whole practice in one sweeping condemnation. But this is not the way in which the subject can be treated; as rational would it be to paint the horrors of *delirium tremens*, and upon that evidence to condemn at once the entire use of alcoholic liquors. The question for determination is not what are the effects of opium used to excess, but what are its effects on the moral and physical constitution of the mass of the individuals who use it habitually and in moderation, either as a stimulant to sustain the frame under fatigue, or as a restorative and sedative after labour, bodily or mental. Having passed three years in China, I may be allowed to state the results of my observation, and I can affirm thus far, that the effects of the abuse of the drug do not come very frequently under observation, and that when cases do occur the habit is frequently found to have been induced by the presence of some painful chronic disease, to escape from the sufferings of which the patient has fled to this resource. As regards the effects of the habitual use of the drug on the mass of the people, I must affirm that no injurious results are visible. The people generally are a muscular and well-formed race, the labouring portion being capable of great and prolonged exertion under a fierce sun, in an unhealthy climate. Their disposition is cheerful and peaceable, and quarrels and brawls are rarely heard among even the lower orders, while in general intelligence they rank deservedly high amongst Orientals."

It would be easy to multiply quotations, but he would not do so. Anyone who cared to pursue the subject might, by turning to *Hansard* for 1843, find some others ready to his hand in the speeches that were delivered during the opium debate of that year. On the whole, after consulting the best authorities to whom he had had access, he had come to the conclusion that neither the importation of opium into China, nor the growth of the poppy in China, was an evil to that country to anything like the same degree that his hon. Friend imagined—if, indeed, they were evils at all to that tea-drinking population. No doubt, too much money might be spent by the Chinese on opium, as too much money was unquestionably spent in this country on alcoholic liquors; but as firmly as he believed that the moderate use of alcoholic liquors was harmless, not to say beneficial, in the North of Europe, so firmly did he believe that the moderate use of opium was harmless, not to say beneficial, through vast regions of China. Pushed to an excess the use of alcohol produced terrible results which they all knew too well; pushed to an excess the use of opium brought results less familiar to them, but not less terrible to the vast majority of Chinese opium smokers. He was convinced that their favourite indulgence brought no more evil than did the moderate use of wine to persons in this country; and on the side of opium there was this great advantage — that even its immoderate use did not tend to incite the opium smoker to crime. Unlike the drunkard of Western Europe, he was his own enemy, but he was dangerous to no one else. He confessed he very much distrusted the views of Gentlemen who thought that they and the select company who shared their opinions were wiser than whole populations about matters relating to the daily lives and the physical well-being of those populations. There was something in the *quod semper, quod ubique, quod ab omnibus*, however doubtfully it might have been applied. The taste for one or more of the powerful agents, narcotic or stimulant, which they were discussing to-night, was as widely spread as it was deeply seated in the human constitution; and when the vegetarian abused meat, or the total abstainer alcohol and opium, a good and sufficient answer seemed to be one which had been held a good and sufficient answer in graver matters—*securus judicat orbis terrarum.* There was but one point more to which he thought he needed to allude, and it was this—The opium Revenue still laboured under the disadvantage of being supposed in many quarters to be levied on a commodity which was smuggled into China; but that was not so—the trade was now a perfectly legal one, under certain restrictions; and if a large party in China were hostile to the poppy, a large and apparently a growing party were strongly in its favour. The stubborn plant had outlived the denunciations not only of Pekin, but of the great enemy of Pekin, the leader of that extraordinary insurrection which so lately wrapped China in blood and fire. He thought it would outlive the denunciations even of his hon. Friend. *Contempsit Catilinæ gladios*—he would not be so uncivil as to finish the quotation. To sum up in one sentence his reply to the Motion, it seemed to him not desirable that, in order either to confer an imaginary benefit upon China—a benefit which, if it were a benefit, would speedily be neutralized by the action of the Persians and of the Chinese themselves — or in order to gratify a small section of theorists at home, they should ruin the finances of India, excite discontent in that country, and throw on the shoulders of the British taxpayer the whole responsibility of our Indian debt. Parliament called into existence in 1858 a body which it specially charged with the protection of the finances of India, and he thought they should reflect much and long, as well for the sake of England as of India, before they opposed its unanimous opinion. The growth of the poppy in China and the powerlessness of the central Government to prevent it, were likely to give us trouble enough without the efforts of his hon. Friend, who, more cruel than the Spanish nurses, did not merely put his elbow in the stomach of the patient to shorten his agony, but strangled him as soon as he showed symptoms of a little indisposition. He hoped the House would think twice before taking the strong step of condemning the Indian opium Revenue; and he begged, in conclusion, to move the Previous Question.

MR. KINNAIRD said, that no one could have listened to the wonderful speech of his hon. Friend, who, in the most positive manner, had set down the supporters of this Motion as ignorant of the subject, without being struck by the possibility that he was not himself perfect master of it. Like the opium smoker, he had taken only a "few whiffs,"—or, perhaps, he had swallowed the opium, for he had entirely forgotten what had been the effect of their encouraging the cultivation of opium. Had his hon. Friend forgotten the wars into which this country had been plunged, simply through forcing upon the people of China a drug which they did not want? The speech of his hon. Friend reminded him of the defence which people formerly set up for the slave trade. He had heard the very same arguments urged in defence of slavery 30 years ago which his hon. Friend had used that night in support of the opium traffic. The cultivation of opium by the Government of India, which had stimulated a noxious and an illegal trade with a friendly Power, seemed to him one of those public acts which disgraced our country. No doubt there was a lawful use of opium; but there was also an unlawful use: and he considered that they had been guilty of aiding in the demoralization of a portion of the Chinese population by stimulating the unlawful use of it. At the same time, he was no advocate for throwing open the cultivation of opium, the effect of which would be to produce even greater practical evils; but he thought they ought to impose in Bengal, as they did elsewhere in India, a heavy tax on the manufacture and sale of opium, which would produce in itself a Revenue, while it would relieve the national conscience of complicity with the traffic. The Indian Revenue being in a depressed condition, was no valid argument for continuing to do a moral wrong. He was certain that before many years had passed away they would get rid of the *doctrinaire* principle of the Ministry, and that the common sense and conscience of the country would prevent the continuation of a national wrong for the sake of Revenue.

Mr. D. DALRYMPLE said, that the real question was, whether the Chinese wanted opium or not?—and he thought that, as a matter of fact, there could be no question that they both liked it and required it. It mattered little to the Chinese from what quarter they obtained it so long as they got it as cheaply as possible. The mischief that opium did arose from its abuse not its use. All nations in the world used some stimulant or other—bang, hashish, opium, or gin;—and if the Chinese would use opium, why should not India send it, if she could do so better and cheaper than any other country? Opium was not, as some supposed, confined to the poor; the rich used it; and the mercantile classes took it as regularly in China as the mercantile classes in this country took a glass of sherry. Then they were told that there was a strong feeling on the part of the Chinese Government against the introduction of opium. That was the case 30 years ago, but it was not so now; now they allowed the growth of the poppy in their own dominions, and they sought to impose a heavy duty only in order to protect what might be called the opium interest in China. He believed that if the hon. Member for Carlisle (Sir Wilfrid Lawson) would consent to leave the question alone he would find that in a few years what he called the moral evil would cure itself, and China would grow its own opium.

Mr. GLADSTONE: The question has been very fully debated. My hon. Friend the Under Secretary for India (Mr. Grant Duff) has made a very able speech; but I am unwilling to leave upon his shoulders the exclusive responsibility of a matter that not only concerns the Indian Department, but in which the whole British Government ought—at least by one of its representatives—to take its share, because this cannot be considered as a departmental matter. I think my hon. Friend is perfectly right in this, among the other propositions in his speech—that if the House be really prepared to affirm this Motion, as is proposed by my hon. Friend the Member for Carlisle, it ought also to be prepared to enter into a matter of account with the Indian Government, and to settle and determine, upon its own responsibility, in what way those pecuniary relations are to be preserved which this Motion would undoubtedly disturb. In the first place, with regard to the appeal made to me by, among others, my hon. Friend the Member for Perth (Mr. Kinnaird), about the wars which have grown out of questions connected with the opium trade, do not let it be supposed for one moment that there now continues that state of things out of which those most unhappy and most discreditable transactions—to say the least—arose 10, 20, or 30 years back. That state of things has totally and absolutely disappeared. It rested entirely upon the law in China, according to which the views of the central Government of that country were determinedly opposed to the introduction of opium into that country upon any terms, although, at the very same time that its prohibitions were in force, we were constantly told by witnesses, whom it was difficult to confute, that the growth of opium was allowed in certain parts of the country; and it was unquestionable that its introduction was tolerated, connived at, and made a matter of private profit by its agents. Out of that state of things wars have grown which form a mournful chapter in the history of our Oriental transactions. But that state of things departed once and for all when the Chinese Government arrived at the wise resolution that, under the circumstances of the case, it was not possible for them to struggle against an appetite so strong and a tendency so decided as that which possessed a large portion of the Chinese people; and, consequently, they determined to deal with opium as a commercial commodity, and to admit it into the country upon payment of a duty. From the moment that was done the question of the growth of opium became wholly detached from all political considerations, and became a matter of fiscal arrangement. This is not unimportant; because during the time, which some of us have the melancholy privilege of recollecting, this subject has been frequently debated in this House, and when even a generation back this House discussed the question of the tendency of the opium trade to disturb the peaceful relations between Great Britain and China, it was on that point that the principal stress was laid. A debate took place in 1843 in which Lord Shaftesbury moved a Resolution condemning the opium trade as it then existed in India; but the ground which he selected for his main point of attack upon the opium trade was—

> "That it is the opinion of this House that the continuance of the trade in opium, and the monopoly of its growth in the territories of British India, is destructive of all relations of amity between England and China."—[3 *Hansard*, lxviii. 362.]

Members of Parliament felt that it was on that ground a fit and proper subject to be brought under discussion here, with a view to see whether a speedy solution of it could be obtained. The treatment of the present Motion does not require the same decision. I think the Government have, by my hon. Friend moving the Previous Question, put to the House a very moderate and an easily-sustained proposition—namely, that the sweeping Resolution proposed by the hon. Member for Carlisle is one that ought not to be adopted, at all events without a careful Parliamentary inquiry. Such an inquiry must embrace many branches of the question that my hon. Friend (Sir Wilfrid Lawson) has hardly touched upon; and the first of them would be the nature of opium and its use, and whether the use of opium is necessarily connected with its abuse. If that inquiry be made, I hope my hon. Friend the Member for Carlisle will not be Chairman of the Committee, because, excellent as he is in every other relation, he is merciless in his dealings with that portion of his fellow-creatures who are inclined to the greater or less use of stimulants, so that he cannot be an altogether impartial judge. But a great question is here involved—Is the use of opium to be treated as analogous to the use of other stimulants in which a large portion of mankind find it almost necessary to indulge, or has opium something peculiar in its own nature broadly separated from tobacco, or alcoholic liquors, so that we ought to distinguish it from all other stimulants, and adopt in regard to it an entirely exceptional method of legislation? Both the "Aye" and the "No" of that proposition are very soundly asserted. It is easy to find painful, horrible, heartrending descriptions of the effect produced by an excessive use of opium, and at the same time we may be given to understand that that effect is general; but, on the other hand, there is much evidence to contradict that statement. and to shaw that, although the use of opium is undoubtedly attended with excess in certain cases, and although that excess is in China what the use of alcohol undoubtedly is in this country—a most fertile source of disgrace, misery, sin, and crime—yet that they are upon a par, and that there is a legitimate and reasonable use of both opium and alcohol. Well, is my hon. Friend (Sir Wilfrid Lawson) in a condition to ask the House upon his view of this important subject to treat it as one that has been already settled, and accordingly to proceed to a vote which undoubtedly treats opium as a thing entirely distinct from alcohol, or any other stimulant? Undoubtedly my hon. Friend may rely upon his own personal consistency, and I know very well that there is nothing which any man can say against opium that my hon. Friend is not ready to say against alcohol. But let my hon. Friend distinguish between his own personal capacity—in which, no doubt, he is *totus teres atque rotundus* against the whole world—and the character in which he appears to-night as one endeavouring to obtain the voice of the House of Commons in favour of his own views; because, I affirm, that if we are to denounce the use of opium as something which is universally, essentially, and irretrievably bad, that must be done after it has been proved that the use of opium is to be broadly distinguished from the use of every other stimulant—a point which is not settled yet. That is a sufficient reason, if there was no other, why we should vote for the Motion, which would enable us, at all events, to examine carefully into the matter. Let the House consider for a moment our position with regard to the Government and Council of India, upon whom we have put the charge of providing for the necessities of that country. Is it possible that this great Assembly can, at a moment's notice, come in and condemn 15 per cent of the Revenue of India—a Revenue which is even now scarcely equal to the expenditure of that country — and can at the same time shrink from its undoubted duty of pointing out the policy by which effect is to be given to this principle, and showing how the financial wants of India are to be met? This is quite a different case from that which sometimes happens when a Member of the House condemns a British tax—if that is done by Motion the House does not always receive it with favour—but it is a matter broadly distinct from the case before us, because the Ministers of the Crown who sit here hold Office during the pleasure of the House, and cannot hold Office when they have not its confidence, and they, therefore, are the persons to whom the House has a right to look for the purpose of supplying whatever is necessary in order to meet the wants of the country when the representatives of the people have thought fit to cut off one of the customary channels of supply. This is not the plan of the Indian Government; it is the Council of India that is responsible for the finances of India. It does not hold Office during your pleasure; it does not depend upon your confidence. You may, indeed, cripple its action, or endeavour to do so; but if you fail you greatly compromise your own dignity. You have not the power to point to that body of men and say—"They are our servants; we have only to withhold the taxes, which we will not permit our constituents to pay; it is their business to provide money in some other way." You have no such right; the people of India are not your constituents; and you have no such control over the Council. This is a very serious matter as regards the responsibility of this House. Nothing could be more ruinous, and few things could be more discreditable than for you to pass a vote which, on the one hand, must remain an idle expression of opinion without practical result, or else, if it were acted upon, must simply have the effect of throwing the finances of India into confusion, and greatly compromising the condition, the welfare, and even, possibly, the peace and security of that country. Again, with regard to the people of India, a state of things having arisen in which a country inhabited by 150,000,000 of people derives an enormous advantage, which has lasted long, what is the title of the House of Commons to deprive them of that advantage? This is one of the most remarkable cases which the whole fiscal history of the world presents. I do not suppose there is, or ever has been, a country — probably there never has been another country in the world—in which £6,000,000 of its Revenue has been derived from a particular article, of which you could say, with so close an approximation to the truth—without any violation whatever of political justice, that the £6,000,000 was virtually and substantially paid by the inhabitants of another country, who did not complain of the burden. Until you have gone through the preliminary inquiry, which you have not attempted, and supplied all the proof I demand of the intolerable nature of opium, as a thing that ought to be absolutely proscribed, as something the use of which is impossible, so that all use must be abuse—until and unless you shall show that to perfect demonstration, what right have you take away from the people of India the immensely valuable assistance they derive from this £6,000,000 of Revenue? The other day my right hon. Friend the Chancellor of the Exchequer was so happy as to possess a surplus of something like £6,000,000: if the hon. Baronet the Member for Carlisle succeeds in carrying this Resolution is he ready to propose a second, to the effect that the £6,000,000 shall be handed over to the Indian Treasury to supply the first year's deficiency due to the abandonment of the opium Revenue? I put this question to him as a test of his sincerity. I see the seconder of the Motion is willing. But of these two Resolutions let us take the second first. Let us first vote upon the question that our surplus of £6,000,000 shall be thrown into the Indian Treasury to meet its deficiency. If my hon. Friend succeeds in carrying that Resolution, we shall have much less difficulty in discussing the other. Again, until you have proved that this drug is wholly intolerable and ought to be absolutely proscribed, as productive of unmixed mischief, you have no moral right to deprive a considerable portion of the people of India, who are engaged in the cultivation of it, of what is probably their only means of subsistence. But let us look for a moment at the Motion of my hon. Friend. It says that the House condemns the system by which a large portion of the Indian Revenue is raised from opium. We must consider what we can do under this Resolution. I do not know what alteration of the Indian Government Act of 1858 would be necessary before it could be obeyed; but, if it is to be obeyed, it requires of us nothing but this—that we shall simply cease to raise Revenue from opium. Why does not my hon. Friend seek to stop the growth of opium in India? Suppose we cease to raise a Revenue from opium, what will be the effect? We cease to impose a transit duty on the opium of the North-west; we cease to exercise what is called the Government monopoly in respect of the opium of the North-east; and what is the effect but an enormous stimulus to the trade? My hon. Friend has not told us whether he is ready to propose the prohibition of the cultivation of the poppy; if he is not, all his artillery recoils upon himself, for it is plain the effect of his Motion would be to immensely stimulate the trade in opium, and to increase the consumption of it. If he admits—and I do not think he can deny—the force of that objection, he must remodel his Resolution, and introduce the element of prohibition to make it effectual for his own purposes, and the necessity for doing this furnishes a strong argument in favour of the Motion for the Previous Question. If he is not prepared for prohibition his case is hopeless; if he is, he is not much better. By prohibition you deprive the Government of India of a very large Revenue; you disable it from meeting its engagements; you compel it to impose very heavy taxes upon a country already too much burdened; and you deprive a portion of the people of their means of employment in the raising of this commodity, on which they are very dependent; and with regard to the opium of the North-west you will forbid the transit, and you will offer to the smuggler the moderate premium of 600 rupees a chest, or 8*s.* per pound weight, under which an enormous contraband trade will grow. Does not my hon. Friend see that, supposing he could stop the growth of opium in the whole Indian peninsula, his measure would immensely stimulate the growth of it in China? Proposing to himself an end dictated only by benevolence, he has not considered the means by which alone it is possible that end could be attained. Under these circumstances, I am quite sure the House will avoid—as they frequently have to avoid—the snare set by proposing an abstract Resolution of this nature. As a rule, this House proceeds by Bill, and not by Resolution. The framer of a Bill is under the necessity of thinking out and through all parts of his subject, and of presenting it to the House in such a manner as will bear testimony that he has thought it through, and will give the House some means of judging whether his means are adapted and well-proportioned to his ends. The Resolution of my hon. Friend reads glibly enough; but if put into a Bill it would present a meagre appearance. What is the difference as regards the House? These Resolutions are brought on one after another—a dozen of them upon a dozen different subjects, in the course of a single evening, and we are called upon, at a moment's notice, to pledge ourselves irrevocably to the utterance of opinions which I say are subject to doubt and hesitation in every way that can be conceived, and which ought never to be entertained with a view to adoption unless they have been subjected to severe scrutiny. No such scrutiny can be applied to my hon. Friend's Motion on the present occasion. He has not supplied us with those first elements of conviction in regard to this drug, which it is his absolute business and obligation to separate entirely from every other stimulant, before he can call upon us to treat it exceptionally. Without wounding the feelings of the hon. Member by negativing his Motion—without dealing in positive and dogmatic assertion on our own side—I think we are justified in pointing out to the House the serious responsibility under which the affirmation of this Resolution would place us, and inviting them to take the safe and prudent course of determining that, without preliminary inquiry, and without clearing up many points on which we are in the dark, we will not undertake to commit ourselves to a judgment in a matter so solemn and so important.

MR. HENLEY said, that no doubt at the first blush the Resolution of the hon. Member for Carlisle was one which it was not very easy to resist. But it was impossible that the House could shut out from consideration the fact that a large portion of the Revenue of India was raised upon opium. No doubt it was true that a very considerable number of the Chinese—who were the wisest people in the world—insisted upon making an improper use of this article, and that they made beasts of themselves: and therefore we were asked to deprive the people of India of a very considerable Revenue. Now he would put this question—"Are we the people that can honestly do it?" What do we do at home? how many millions do we raise upon the article gin? how many of our people drink gin, and make themselves beasts as much as the Chinese? He could not separate the two questions. If the hon. Baronet carried a Resolution that no more money should be raised from gin, and if people at home were ready to put their hands into their pockets for supplying the deficiency in the Revenue, then he thought we could go with clean hands to the black gentlemen 16,000 miles away and say—"You shall find money for your Revenue some other way." Then we should be acting honestly. But so long as we raised so many millions of Revenue from alcohol, and our people made beasts of themselves with it, he did not think the House could honestly assent to such a Motion as that before them. We were a white people, and we called ourselves a Christian people, and he thought we should pluck the beam out of our own eye before we sought to pick out the mote that was in our black brother's eye.

Sir WILFRID LAWSON, in reply, said, he agreed with the right hon. Gentleman that the colour of the skin made no difference in the sin. As to the criticism of the Prime Minister, he (Sir Wilfrid Lawson) had quoted the evidence of doctors, of East India Directors, and of a Select Committee of this House, in order to show the injurious nature of the traffic in opium. Such evidence ought to be quite sufficient to convince anybody who did not sit on the Treasury Bench, and probably they would be convinced by no evidence whatever. As to the prohibition mentioned by the Prime Minister, if we allowed the Chinese Government to do so, they would prohibit the importation of opium, and that of itself would stop the growth. Then the right hon. Gentleman said the Resolution would interfere with the whole finances of India. But he merely wished to condemn the system, leaving the Government to carry out the Resolution in the spirit in which it had been adopted by the House. He denied that it was his duty to carry out the scheme. What were great statesmen put upon the front Bench for? The argument from the Treasury Bench had been nothing but money, money, money, regardless of morality and Christian duty. He would tell the Prime Minister that when this debate was read to-morrow the people of England would be astonished at the political morality put forward from the Treasury Bench. He appealed, however, from that Bench to the House, and hoped that the House of Commons, representing the nobler instincts of the people, would declare by their vote that this national disgrace should no longer continue.

Previous Question put, "That that Question be now put."—(*Mr. Grant Duff.*)

The House *divided*:—Ayes 46; Noes 150: Majority 104.

PARLIAMENT—SLIGO BOROUGH WRIT.

Colonel FRENCH, in rising to move

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Sligo, in the room of Major Knox, whose Election has been determined to be void,"

said, under ordinary circumstances he should not have thought it necessary to make any Motion upon the subject, but have left the matter in the hands of the Government. The seat, however, had now been vacant for twelve months; the Report of the Election Commissioners, following the Report of the Election Judge, had been upon the Table for a considerable time, and yet the Government did not seem inclined to move. Accordingly, he thought it right to introduce this Motion, with a view of drawing from the Government a declaration of their intention either to allow the issue of the writ, or to take ulterior measures, with a view of disfranchising the borough. He was one of those who had always looked with suspicion upon the power claimed in these days to suspend the issue of writs, believing that practice to be altogether unconstitutional. Parliament was so jealous as to the completeness of the representation of the different boroughs that it had even authorized the Speaker, at a time when Parliament was not sitting, to issue a writ to fill up a vacancy. Sligo was a place of considerable importance at the time of the Union—the town then returned two Members—and continued to elect upright and honourable representatives, until of late years, he was sorry to say, it had been corrupted by English gold and the official influence of a Lord of the Treasury. The Report went fully into the circumstances of recent elections; but it deserved notice that the Report was only signed by two of the Commissioners, the Chairman of the Commission having been allowed by the Government to go off and seek the favours of another constituency—a proceeding which occasioned some little surprise. The result, however, of all their inquiries, and of all the coercion brought to bear upon men to disclose the events of their past lives, showed a very small comparative amount of bribery and corruption—about 3 per cent of the registered constituency. Nobody could object to the disfranchisement of those who had actually received bribes: personation and undue influence had also been reported; but that was no reason why the writ should be withheld. He had no objection to any course the Government might think proper to pursue; but with the present strong Government, when the Prime Minister might be considered master of a hundred legions, they ought rather to employ themselves in purifying the constituency than in destroying the representation of Sligo. He begged to move the Motion of which he had given notice.

MR. D. M. O'CONOR seconded the Motion.

Motion made, and Question proposed,

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Sligo, in the room of Major Knox, whose Election has been determined to be void."—(*Colonel French.*)

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he could not accede to the Motion of his right hon. and gallant Friend. It was not his intention at present to go into the facts of the case; it was enough to say that the matter was under the consideration of the Government, and he hoped in a few days to be able officially to state what course the Government intended to take in reference to the borough of Sligo. But as his right hon. and gallant Friend had made some observations on the subject, he would take the liberty of adding one or two by way of reply. The Report of the Commission of 3rd March, 1870, was a very full and satisfactory document, and as the third Commissioner declined to act in consequence of his standing for Tipperary, the report was made by the remaining two; and if it was any satisfaction to the House to know the fact, one was a Conservative and the other was a Liberal. The Report stated that at the last three elections of Members to serve in Parliament for the borough of Sligo corrupt practices extensively prevailed. At the election of 1859 corrupt practices had not prevailed, one of the candidates, the Conservative, having no money, and the other candidate standing reluctantly. In 1865, when the constituency numbered 372, corrupt practices prevailed to such an extent that 91 voters were scheduled as guilty of bribery by receiving money or other valuable considerations in respect of their votes. The Reform Act had added considerably to the constituency, yet notwithstanding at the last election the Commissioners stated—

> "The bribery proved at this election fell short of what took place on former occasions. We do not, however, feel ourselves justified in reporting that this was due to the increased purity of the constituency, having regard to the fact that in Sligo it was almost invariably after the election that the distribution of money among the electors took place, which (if intended) would have been stopped by the presentation of a petition, and also that a large number of the electors avowed their willingness to take money if it were to be obtained. It appears from the evidence of Robert Stokes (pages 185-188) that, in consequence of the sitting of the Royal Commission, several sums promised to voters had not been distributed at the time of his examination."

The Commissioners were two of the most competent men at the Irish Bar. If the Commission was to be of any value it was necessary that the facts stated in the Report should be considered. The subject, therefore, was, as he had stated, engaging the attention of the Government. No step would be taken with regard to the borough of Sligo without having due regard to the facts proved respecting it. If they considered it their duty to proceed against it, however painful it might be, they would perform their duty; but if, on the other hand, they did not find that necessary, they would be very glad to announce their determination to the House. Of course, with regard to those who had been found guilty of bribery it would be necessary that they should retire from that line of business for the remainder of their lives.

MR. D. M. O'CONOR said, he would not go at length into the facts of the case; but he thought it was quite clear that the borough of Sligo did not deserve the treatment already meted out to the boroughs of Bridgwater and Beverley. It was perfectly true that at the Election of 1868 the Commissioners reported that corrupt practices had extensively prevailed; but all the evidence they could adduce to sustain that allegation was that out of a constituency of more than 500, 16 had been found guilty of having taken bribes, while only 11 had been found guilty of offering bribes. Besides it was stated by the Commissioners that at the last election there was no evidence that any money had been furnished previously to the election. He asked hon. Members to contrast this state of things with what had been reported in the case of Norwich, where something like one-eighth of the constituency was stated to have been bribed. The Norwich Commissioners had reported that corrupt practices had not prevailed in Norwich, notwithstanding the notorious state of things existing there; but in Sligo, where only one-thirtieth of the constituency was proved to be corrupt, corrupt practices were stated by the Commissioners to have prevailed there. He could account for this diversity of opinion only on the supposition that the Norwich Commissioners were in favour of disfranchisement and that the Sligo Commissioners were not respectively. Accepting the opinion of the Solicitor General for Ireland that the Commissioners were high-minded, he referred to their Report to show their *animus*. It was the duty of the Commissioners to go back until they found a pure election; they found one in 1859, but went out of their way to state that the reason it was pure was that one candidate had no money and the other did not wish to be returned. Referring to the Election of 1860, which was practically no contest, the Commissioners stated an incident on the authority of one witness, refusing to hear rebutting testimony on the ground that the matter was immaterial—a matter to which they afterwards gave prominence in the Report. Upon the Election of 1868 the Commissioners, desirous of showing some reason for their conclusions, stated that the usual practice in Sligo was to pay the voters afterwards. The circumstances of 1865 were peculiar, and the temptation to the voters almost irresistible. A gentleman, having contested the borough, sent his friends there some six months after, saying that he had a sum of money to dispose of, and desired to share it among the poor voters who had voted for him. Ninety men came forward to take the money—30 per cent of the constituency, a proportion which would be matched under similar circumstances in any borough in the three kingdoms. But there would be no disposition to repeat this experiment in Sligo, for, beside the fact that the constituency had been increased, the friends of the candidate found the demands upon them rather exceeded their powers. Considering, however, that the Solicitor General for Ireland had promised to consider the matter carefully, he suggested to the right hon. and gallant Member the propriety of withdrawing his Motion and assisting the determination of the Government.

MR. RAIKES said, he thought the House ought to thank the right hon. and gallant Member for Roscommon (Colonel French) for having produced a case in which the Government actually did not think themselves warranted in recommending the issue of a writ for an Irish borough. There was nothing in this case exceptionally heinous; that 16 persons out of a constituency of 520 were bribed was not at all an extraordinary thing in the case of an Irish borough, unless it was extraordinary in point of moderation. He expressed his disappointment that the Solicitor General for Ireland had not given some idea of the policy of the Government with regard to that very important matter, the redistribution of seats in Ireland. Certainly the Province of Connaught ought not to be deprived of one of its few Members longer than was absolutely necessary, and he hoped the Solicitor General for Ireland would very soon make up his mind on the subject, for already he had taken longer to do so than was usual with his brother Law Officers for England.

Motion, by leave, *withdrawn.*

CONVENTUAL AND MONASTIC INSTITUTIONS.

MOTION FOR APPOINTMENT OF SELECT COMMITTEE.

MR. GLADSTONE moved that the Select Committee do consist of the following Members: — Mr. Villiers, Mr. Newdegate, Mr. Jessel, Mr. Thomas Chambers, Mr. Matthews, Mr. Howes, Mr. Cogan, Mr. Pemberton, The O'Conor Don, Mr. Bourke, Mr. Sherlock, Mr. John Gilbert Talbot, Mr. Pease, Mr. George Gregory, and Sir John Ogilvy.

Power to send for persons, papers, and records; Five to be the quorum.

Motion *agreed to.*

MR. EYKYN moved—

"That it be an Instruction to the Committee that they have power to include in their inquiries, Anglican and other religious institutions in Great Britain of a Conventual or Monastic character."

MR. HIBBERT took exception to the word "Anglican." It was rather hard upon the Anglican denomination to be named in this particular manner, and he suggested that the word be omitted. The Instruction would include all such institutions, whether named or not.

MR. EYKYN said, he could not accede to this proposal.

MR. COGAN said, that as he did not think the wrong and insult that would by the proposed inquiry be put upon the Church to which he belonged could be at all lessened by extending the inquiry to other religious bodies, he was not prepared to adopt the proposition of the hon. Member for Windsor.

MR. J. G. TALBOT said, he thought the wording of the proposition rather vague. The hon. Member for Windsor proposed that it be an Instruction to the Committee to include within the scope of their inquiry all Anglican and other so-called religious institutions.

MR. SPEAKER said, that the Instruction of the hon. Member for Windsor, as amended, referred to "other religious institutions in Great Britain of a Conventual or Monastic character."

Motion *agreed to.*

Instruction to the Committee that they have power to include in their inquiries, Anglican and other religious institutions in Great Britain of a Conventual or Monastic character. — (*Mr. Eykyn.*)

MR. MATTHEWS said, he wished to correct a misunderstanding which had arisen in regard to the Instructions to the Committee which he intended to move. Every member of a monastic order in England in which vows were taken was, under the existing laws of the country, guilty of misdemeanour, and liable, as a consequence, to banishment for life. Further, every trust under which property was held for the maintenance of such orders was, in law, void, because it enabled men to live under vows forbidden by the law. This being so, any person who felt so inclined might, by application to the Court of Chancery, have the trusts set aside, and cause the property to revert to the heirs-at-law of the donors, or to be applied to such purposes as the Crown might appoint. Therefore, he wished that the Committee should be so instructed as that no member of an order who might be called upon for evidence should be compelled or called upon to make minute statements that could lead to the property of his monastery being forfeited by its being shown to be held under a title that was bad in law. He had no intention to re-open the discussion on the broad question of the appointment or non-appointment of the Committee, but simply to guard against the inquiry being turned into a mere inquisition. To effect this object he, therefore, moved—

"That it be an Instruction to the Committee not to inquire into matters which would involve a criminal charge against any person, or the forfeiture of any legal or equitable interest in property."

He had placed upon the Paper a second Instruction, to the effect that the Committee should

"Inquire and report, in the first instance, on the state of the Law respecting Conventual and Monastic Institutions or Societies in Great Britain, before proceeding with the other subjects of inquiry referred to them.

This he had done because he found that authorities like the hon. Member for North Warwickshire (Mr. Newdegate), the hon. and learned Member for Marylebone (Mr. T. Chambers), and the Solicitor General held different views on the legal aspects of the question. At present, however, he moved the first of the two Instructions.

SIR JOHN GRAY seconded the Motion.

Motion made, and Question proposed,

"That it be an Instruction to the Committee not to inquire into matters which would involve a criminal charge against any person, or the forfeiture of any legal or equitable interest in property."—(*Mr. Matthews.*)

Mr. NEWDEGATE said, the hon. and learned Member for Dungarvan (Mr. Matthews) had referred to him, probably because he anticipated that he (Mr. Newdegate) would object to any further limitation of the scope of the inquiry, and was suspected of being able to put an interpretation on the Motion of the First Lord of the Treasury which would involve danger to the tenure of property now held by monastic orders in this country. With regard to these questions he wished to explain. In a previous debate on this question he adverted to the monastery of Mount St. Bernard, in Leicestershire, and to the leniency which the Legislature had manifested in matters connected with that monastery, and its property. His having done this had led to a correspondence between himself and Mr. Harper, a gentleman connected with the management of a reformatory school which the Government had at one time placed under the control of the monks of Mount St. Bernard, who received the usual allowance for each of the boys placed in the school, the condition being that they should be employed upon a farm, of some 450 acres in extent, belonging to the monastery. In 1863, in consequence of the unsatisfactory state of the school and of certain evils connected with it being brought before the House, the Home Secretary made an arrangement, under which a certain number of persons, including Mr. Harper—all being Roman Catholics, and the chaplain of a school, a member of the monastic order, hired 100 of the 450 acres from the monks and continued to employ the boys upon it. Now, he put it to the House whether, if the danger of legal annoyances as to the possession of land by these monks which the hon. and learned Member seemed to apprehend from the proposed inquiry were likely to result, pending the inquiry the House had directed, it would not be clear that, prior to 1863, at any rate, there was already in the Library of the House, contained in a Parliamentary Return presented by the Home Office in 1864, direct evidence of the property having been, and being, in the possession of the monks inhabiting the monastery of Mount St. Bernard? That was a case directly in point, and if the danger which the hon. and learned Gentleman anticipated, should accrue, it could be no greater than that which had existed for the last eight or nine years. The apprehensions of the hon Gentleman, therefore, were quite groundless. The second Instruction related to the laws with regard to conventual property. Undoubtedly this subject was contemplated in 1860 in the debates on the Charitable Trusts Act; and one of the great arguments then used was that conventual property ought to be brought within the compass of the law, and the Act contained provisions for legalizing it on certain conditions. It was desirable that the House should know how far the provisions of this statute had been complied with or evaded. He perfectly admitted that that Act revived the clauses of the Catholic Relief Act of 1829 against the establishment of the male Orders of the Church of Rome in this country. But he had shown that there was no danger to the property in question pending the inquiries of the Committee, because in his own district property of this very kind had been exposed by a process as public as the inquiry of the Committee, and the hon. Member would find in the Library a Parliamentary Paper which had been there for the last six years, giving all the details with respect to it. He could not look upon the Instruction as anything else than an attempt to limit still further the inquiry of the Committee and to that he was decidedly opposed.

Mr. GLADSTONE: Having made the Motion to which the House has agreed, and which effected a great limitation to the field of inquiry originally propounded, I feel it my duty to give an opinion upon the Motion of the hon. Member. I think it a most unfortunate Motion, and I am extremely sorry that it has been made. The hon. and learned Member (Mr. Matthews) indicated that he had found in private conversation a great objection to this Motion, and I do not think the remarks he made tended in the least to diminish it. As the hon. Member for North Warwickshire (Mr. Newdegate) said, there is no ground for apprehension about property. That is not the spirit in which the inquiry of the

Committee will be conducted; and if any persons were inclined to conduct it in that spirit the hon. and learned Member and others will be there to prevent it. But the Motion is unfortunate, because it seems to show a disposition to check the Committee in a field of inquiry which the House has marked out by a very large majority, and I, having had something to do in limiting the inquiry as at first proposed, do not feel myself at liberty to introduce further limitations when there appears to me to be an absence of any practical object. The proper guards and limits of inquiry must be judged of by the discretion of the Committee and by the privilege of the witnesses. If a witness is asked questions which it would be injurious to him to answer, let him claim his privilege. If any course of examination is likely to lead to matter that would be inconvenient, the discretion of the Committee—which can be invoked by any Member at any time, at any point of the examination, is the only manner in which the difficulty can be met. I am very sorry, indeed, that the Motion has been made, because I think the very refusal of the House—and in my opinion they can have no hesitation in refusing it—will leave the Committee in a less advantageous position than they would otherwise be in.

MR. HEADLAM said, it was his lot some years ago to preside over a Select Committee of that House to which was intrusted an inquiry of the very same description—he meant the Select Committee on the Law of Mortmain. Upon that occasion he had the good fortune not to meet with any opposition from any Roman Catholic Gentlemen who were Members of that House. On the contrary, a noble Lord, the late Duke of Norfolk, then Earl of Arundell and Surrey, and also the right hon. Gentleman the Member for Limerick (Mr. Monsell) were Members of the Committee. On that occasion he was careful to make everything general, so that there should be nothing in the form of reference, and nothing in the inquiry or Report which could be said to be directed against any particular portion of the community. There was no limitation whatever to the discretion of the Committee, and, of course, in the progress of the inquiry they had some delicate questions to determine. The late Cardinal Wiseman appeared before it. But he was happy to think that the whole inquiry was conducted in such a form that no Roman Catholic gentleman ever complained that anything harsh or illegal was done. The House could perfectly trust his right hon. Friend the Member for Wolverhampton (Mr. C. P. Villiers) to conduct the present inquiry in the most unexceptional manner.

MR. CHARLEY said, the hon. and learned Member for Dungarvan (Mr. Matthews) was fighting a shadow, for it appeared from Sir Erskine May's *Parliamentary Practice* that witnesses, petitioners, and others were protected by privilege from the consequences of any statement they might make to either House, and that any molestation to which they might be subjected in consequence of such statement would be treated as a breach of privilege.

MR. SHERLOCK said, that a witness might refuse to answer any questions tending to criminate himself, and if questions were put to him involving the title of his property he might respectfully decline to answer. Lord St. Leonards last year, in a Court of Justice, had declined to state what his title was, and he recovered notwithstanding his refusal. The case referred to by the hon. Member for North Warwickshire (Mr. Newdegate) as to the number of acres held by a particular monastery was one on which the hon. Gentleman himself could give the information required. The Motion, to say the least of it, was unnecessary.

MR. SYNAN said, he could not see what possible objection there was to the Motion; but, at the same time, he did not recommend that the hon. and learned Gentleman should go to a Division on it. It would, however, prove to the House and the Committee that the inquiry ought to be two-fold—first, into the law as to its exempting persons and property from the penalties of confiscation, and afterwards, an inquiry into the other part of the order of reference.

MR. MATTHEWS begged leave to withdraw his Motion.

Motion, by leave, *withdrawn.*

MR. WHALLEY rose to move—

> "That it be an Instruction to the Committee also to inquire into the existence, character, and increase of Conventual and Monastic Institutions or Societies in Great Britain."

MR. SPEAKER ruled that the Motion was irregular.

House adjourned at a quarter
before Two o'clock.

HOUSE OF COMMONS,

Wednesday, 11*th May*, 1870.

MINUTES.] — PUBLIC BILLS — *Ordered—First Reading*—Turnpike Acts Continuance, &c. * [125].
Second Reading—Benefices [46]; County Coroners (Ireland) [64], *negatived;* Suburban Commons [41].
Committee—Report—Petty Customs (Scotland) Abolition (*re-comm.*) * [95].
Third Reading—Railways (Powers and Construction) * [76], and *passed.*

BENEFICES BILL—[BILL 46.]

(*Mr. Cross, Viscount Sandon, Mr. Hibbert, Mr. Birley.*)

SECOND READING.

Order for Second Reading read.

MR. ASSHETON CROSS, in rising to move that the Bill be now read a second time, said that he had purposely deferred this stage of the Bill in order that persons in the country might have the opportunity of becoming acquainted with it; and he had sincere pleasure in stating that out of the very large numbers of letters he had received from clergymen in every part of the country hardly one expressed the slightest objection, whereas the great majority warmly praised its provisions. That being so, it was not his intention now to make any lengthened statement, not having heard that any opposition was to be offered to the progress of the Bill. He might state at the outset that nothing was further from his wish than in any way to interfere with the right of patronage as vested in the hands of laymen. It was, he thought, of essential use to the Church. In the first place, it interested a large number of people in the welfare of the Church who were likely to make good appointments to their livings; while the fact of so much patronage being in the hands of the laity throughout the country tended to produce a variety of tone and thought among clergymen, and prevented them sinking into that monotonous character which would prevail if all patronage were in the hands of the Church or Crown. The origin of Church patronage in lay hands dated from early times. Many owners of estates offered to build and endow a church, on condition of having the patronage placed in their hands; and the Bishops, jealous as they were with regard to ecclesiastical appointments, consented to place the patronage in the hands of laymen, in consideration of the advantages which the Church and people received from the endowment of churches. No one could doubt, that in consequence of the action thus taken, a vast number of livings were created both in this country and abroad, which would not otherwise have been founded at all. But it was obvious that one evil was likely to attend patronage in the hands of laymen—and he was sorry to say it showed itself also in the case of those who were not laymen. That was that in corrupt times a vast amount of it was sold and bought just like any other marketable commodity; and we read in the ecclesiastical historian Mosheim—

> "The kings, princes, and nobles either conferred the sacred offices on their friends and ministers for whom they had partiality, or sold them to the highest bidder. And hence frequently men the most unfit and flagitious—sometimes soldiers, civil magistrates, and counts—were invested with spiritual offices of the highest dignity and influence. . . . There seems to be nothing appertaining to the Church which is not put upon sale—namely, bishoprics, presbyteries, deaconries, and the other lower orders; archdeaconries also, deaneries, superintendencies, treasurers' offices, baptisteries. . . . . All ecclesiastical offices were at that time as much accounted things vendible as merchandize in a common market."

In order to put an end to that state of things Gregory VII. took vigorous measures, and did for a time put an end to it. In England the early history of our advowsons was much the same. In early times persons who had manors, in consideration of assigning lands for the endowment of the parish church were allowed the patronage of the living, and the patronage always passed with the manor; but in later times they became separated, and the advowson became what was called in gross.

> "This practice, which was originally a mere indulgence, became in process of time a right, and all those who had either founded or endowed a church claimed and exercised the exclusive privilege of presenting a clerk to the Bishop whenever the church became vacant."—[*Cripps*, 552.]

And again, although the law did not consider the exercise of the right of presentation as of any pecuniary value, or a thing for which a price or compensation ought to be accepted, yet the general right to present was considered valuable. As the right of presentation became property that right was sold, and, practically, in the nature of things, must have been sold; because it was quite clear if an owner of a right of presentation left the country he could not carry it with him, as his whole interest in the place would have gone; and, therefore, the right of presentation as an existing right would, like other property, be the actual subject of sale. But a great distinction was drawn by the lawyers as to the right of patronage between the sale of that right and the sale of the exercise of that right. The right might no doubt be sold, like any other property; but at the same time it was a public trust, and the owner was bound to exercise it for the benefit of the public and not for his own. If he sold the exercise of his right he broke his trust, because the living was then filled up not for the benefit of the public, but for the benefit of the buyer, and in consideration of the money which he paid for it. This distinction was taken as early as the reign of Queen Elizabeth, and the general right of presentation only was then legally subject to sale. He was aware that the actual exercise of the right of presentation was now legally the subject of sale; but he hoped the House would agree with him that it was not morally, and ought not to be legally, the subject of sale. Chief Justice De Grey laid it down that an advowson was a temporal right, not, indeed, *jus habendi*, but *jus disponendi*. The right itself was a valuable right, and properly the object of sale; but the exercise of this right was a public trust, and therefore ought to be void of any pecuniary consideration either in the patron or the presentee. Chief Justice Best in one of his judgments said—

> "If the perpetual advowson be sold when the church is void the next presentation will not pass, and if the next avoidance only be sold after the death of the incumbent the sale is altogether void. It may be wise to carry restraint on the sale of this species of property still further, and to say that the next avoidance shall in no case be sold. Undoubtedly much simony is indirectly committed by the sale of next presentations. If it be proper to prevent the giving of money for a presentation, it seems equally proper to prevent the sale of that which gives the immediate right to present."

He hoped he had now established the proposition that anciently there was no right to sell a presentation, and that at the present day a distinction was made between the sale of a right to present and the sale of the exercise of that right. He would put the case thus—A man had a right to vote, but he was forbidden to sell that right. He might buy the property which gave the right of voting if he chose, and he might part with that property; but so long as he retained the property, and the right to vote in connection with it, the law said if he sold the exercise of that right—in other words, if he parted with his vote for any personal consideration—he was guilty of bribery, and would be punished. So, in the case of an advowson, the owner, if he wished, might sell the right of presentation; but when he sold the exercise of that right he did that which the law ought not to allow. If that was allowed in the case of a presentation to a benefice, why not to a bishopric, or any other office in the Church? Why not a presentation to a mastership or a fellowship or a scholarship? If lay patrons were allowed to sell the exercise of the right of presentation, why not allow the Crown or Bishops to sell the patronage in their hands? It was perfectly impossible to distinguish between one of these cases and another. This abuse in fact had only grown up in modern times, and he hoped the House would now step in and check it. He did not ask the House to take any step which would invade the rights of property. This property was held as a trust, and by passing this measure they would take away all abuse connected with that property, and by taking away the abuse they would perpetuate the use. That was the policy of those who occupied the Benches around him. Where they loved an institution as they all loved the Church they ought to scrutinize every abuse, and the moment they found one they should sweep it away. This Bill had been prepared by a gentleman of great experience, and drawn with a considerable amount of care. He only asked the House to take another step in the same course with reference to this property which had been followed by legislation at different periods of our history. At the time of Elizabeth a presentation might not be sold while the living was void; at the time of the Union it could not be sold to a clergyman; and he now only asked them to take the further step pointed out by Chief Justice Best—namely, that the actual sale of the next presentation ought not to be allowed, whether that was done by a grant, or any contrivance of selling the advowson and buying it back, or by any covenant to buy it back, or by any contrivance of buying an actual living when the incumbent was in extreme danger of death. Everybody admitted that there was a real practical evil to be remedied, and they ought not, therefore, to quarrel over the mode of doing it, provided no hardship were inflicted upon individuals. There were provisions in the Bill which would prevent that from being the case. It would not come into operation for some time, in order that arrangements already made might be carried out without hardship. There was a proviso which saved livings which had been put in existing settlements, as it would not be fair to disturb family arrangements which had been made certainly without expecting the passing of a measure of this kind; but for the future no such settlements could be allowed. There was also a saving provision in the case of persons who had already purchased next presentations. In cases where they had bought them for their sons, who might have died, or changed their minds, or gone into other professions, it would be hard not to allow them to sell what they had bought. He sincerely hoped the Bill would be read a second time, and that by putting an end to a great scandal to the Church, and an absolute insult to parishioners, it would not only promote the welfare of the Church, but the feeling of religion throughout the country. He moved that the Bill be now read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Assheton Cross.*)

Mr. BERESFORD HOPE was sure the House had heard the lucid statement of his hon. and learned Friend with great pleasure and interest, and must have sympathized with the Christian spirit which had dictated his action in the matter. He regretted, as much as the hon. and learned Member himself, the existence of the facts which rendered some legislative action necessary, and having made these observations his hon. Friend must not think him inconsistent in advising him to rest satisfied with having brought forward the subject for the present, without pressing the second reading. Of course, if the measure were pressed he would not vote against it, though he would be unable to vote for it. Certain vehement Church reformers regarded the whole system of private patronage, as it is found in the Church of England, as being an abuse, and they would give the nomination to livings either to some central authority or to the parishioners. They had an armoury of plausible arguments founded on the ostensible inconsistency of treating a sacred trust as a private right. To them he would answer *experientia docet.* Lay patronage had created that Church a very desirable class of clergymen, unique, as far as he was able to ascertain, among the Christian communities of the world, who were at once men of the world and men of the Church. No doubt, abuses had occurred in the sale of family livings, and they should be prevented; but if the remedy consisted in nakedly abolishing one element of the system of patronage, the property in patronage was affected, and the risk was incurred of its being totally swept away. The evils that did exist in this exercise of lay patronage—the sale of next presentations—were not found among the earnest and religious patrons, but among the less worthy, who either cared for the money from avarice or were tempted by impecuniosity; and he asked whether the Bill would prevent these less worthy patrons from committing the wrong. Besides, if all sales of next presentations were effectively prevented, what was the kind of clergymen who would be probably thrust into the livings. The patrons, it was conceded, would be of the less worthy kind—the careless, the unscrupulous, or the embarrassed. If they were driven to present, in all probability they would put in clergymen of a similar description—unfit relations of their own, careless livers, or broken invalids, whose health and years promised a speedy vacancy. Besides, he feared that, if the sale of the next presentations were forbidden, secret sales, a more deplorable state of things than the present, would be the result. Men, for instance, might be put in who would not pay a lump price for the living, but who would forego gathering the tithes for a time. There was, however, another element of this patronage system which, in his mind, called for legislation far more than the sale of next livings, and, if his hon. and learned Friend had taken that up he would have found him (Mr. Beresford Hope) heartily working by his side. The most crying evil connected with lay patronage was the gift of a living to a clergyman, with the understanding he was to resign as soon as a son or a nephew of the presenter had come of age to be presented. This was akin to the violation of a Divine law, because it called on a man to give up a cure of souls upon a certain contingency; and it was akin to the violation of human law, because it was pretending to invest a man with a freehold when it was giving him a mere leasehold. The cure for both these evils—that with which this Bill endeavoured to deal, and that of bonds of resignation—he suggested might be found in allowing open and regulated sales of next presentations through the office of the Bishop of the diocese, a certain amount of the purchase money being retained for the benefit of the Church of England, and the Bishop having powers of examination and rejection beyond what he at present possessed. This would be better than leaving it open to a bankrupt patron to make a presentation on the assurance that shortly afterwards some spiritual "man in the moon" would make him a present of a sum of money. To meet the case of a patron who desires to present his relative, at the time not in Holy Orders, he would make the bond of resignation absolutely illegal; but he would allow the patron to request permission of the Bishop to refrain from presenting until his intended nominee was eligible. The Bishop in this case would appoint a curate for the appointed time to receive the entire income of the cure; and so the Church would not only be well served, and the Bishop would have a fresh opportunity of rewarding hard work among his clergy, but the parish would be saved the scandal of a pretended presentation to a decrepid, toothless old man, whose infirmities and chances of speedy death were his only recommendations in the eyes of the patron. He would limit the selection by the Bishop of the curate in charge to some clergyman already in the diocese. He, however, mainly trusted to the growth of morality and the higher sense of religious duty manifested by this age, for the correction of these evils; the moral responsibility attaching to the office of patron was being felt more and more every day; but while he felt convinced the evils would notably diminish before the growth of this feeling, he could not but thank his hon. and learned Friend for his action in the matter.

THE SOLICITOR GENERAL said, in the absence of the Secretary of State for the Home Department, he desired to say a few words on the subject; and, in the first place, he regretted that his professional experience did not permit him altogether to endorse the statement of the hon. Member for Cambridge University (Mr. Beresford Hope) with regard to the increased sense of moral responsibility existing among lay patrons. He was unable to say that the sale of benefices, and the general immorality of those concerned in disposing of them, were diminishing, or their morality was increasing. Day by day cases came before him, which he should have believed were fictitious, had he not been obliged, upon the evidence, to believe them true; and he was sorry he could not concur in the view that this Bill was undesirable. Though anxious not to say anything in any way disrespectful of great dignitaries, he was obliged to remark that he was not desirous of increasing the patronage exercised by the Bishops. The amount of patronage in the hands of lay members of the Church was a feature which distinguished it favourably from almost every other Church Establishment with which he was acquainted, and for this reason, that it knit round the Church a great variety of persons of different ranks of life and of diverse education, all or most of them being animated by a desire to sustain the institution, to prevent it from degenerating into a sect, and anxious to extend its influence and usefulness. He was, therefore, not disposed to do anything to diminish the amount of patronage in lay hands; and it was because he believed the immediate effect of the Bill before them would be to strengthen this element of lay patronage, and confirm the possession of that patronage in the hands which at present usefully exercised it, that he humbly recommended the House to give the Bill a second reading. Though some Amendment would be necessary in the second subsection of Clause 3, to prevent the intention of the hon. Member being thwarted, he would recommend the House to read the Bill a second time, because it was no revolutionary measure, but really a return to the old system, although it might not meet the views of canonists and Church lawyers, who might reasonably be supposed to be a little prejudiced in respect to these matters. He regarded the right of presentation entirely as a matter of trust. That was the old and sound view; and so far as any change had taken place, it had taken place in comparatively late times, and by no means for the better. To pass the measure would be to do away with a great public and private scandal; and inasmuch as all existing rights and interests were saved by the Bill, no individual injury could be alleged. There was a sensible and practical evil to be dealt with, and he warned the hon. Member for the University of Cambridge that it was rather a dangerous thing to raise the whole question of Church patronage, because it led to the inevitable conclusion that some time or other it must be dealt with.

Dr. BALL said, that, practising in the ecclesiastical branch of the law, he had been consulted from time to time about the sale of presentations, and his experience in these matters had taught him several things bearing on the subject of the Bill, particularly that the ingenuity of lawyers had been largely employed to discover means to evade the few existing prohibitions of illegal traffic in livings. It was true the law forbade the sale of a living to a clergyman, and accordingly the law was complied with in the letter; but the purchase was made in the name of the clergyman's brother, friend, or solicitor. Other prohibitions had been overcome in a similar manner, and they would be overcome as long as a loophole was left. He was at a loss to know on what principle the practice of selling the next presentation was to be defended. What was it but making merchandize of the most sacred offices? If an advowson were attached to an estate, it seemed a natural consequence of that connection to give the right of selling it along with the estate, and if that were admitted it would be refining too much to prohibit the right to sell an advowson out-and-out. Such reasoning justified the sale of advowsons; but it did not apply to the sale of next presentations. This generally had regard to immediate possession. The transaction was based frequently on calculations as to the state of the incumbent's health, and was not seldom accompanied by considerations to induce resignation and make a vacancy before death. The measure had his cordial support.

Mr. STAPLETON said, he thought thought this was a measure of very doubtful policy. While it forbade the sale of the next presentation, it allowed the sale of advowsons, which depended for their value on the next presentation. But he was of opinion that the sale of the presentation led in many instances to the appointment of good men to the living. If the right to sell were taken from the patron, he would be extremely anxious to force his son, or near relative, into the living, perhaps to the injury of the Church. He wished to call attention to the fact that as Roman Catholics were prohibited from presenting to these livings, this Bill, by taking away their right to sell, would confiscate their property without giving compensation.

Mr. HINDE PALMER said, he desired, as a member of the Established Church, to thank the hon. Member for South West Lancashire (Mr. Cross) for introducing the Bill. He was glad to find that the Bill as it now came before the House made provision for preventing colourable sales of advowsons merely for the purpose of obtaining the next presentation. He had known of a case where the purchase of an advowson took place at half-past 3 o'clock, and where the incumbent died at half-past 11 on the night of the same day, yet the Court held that the transaction was valid. He was glad to see that an attempt was made in one of the sub-sections of the Bill to meet the case; but he feared the words used would lead to much controversy and consequent litigation. He would, therefore, propose in Committee that such sales should be illegal if the incumbent was at the time in an extreme state of illness and died within a given period. There was much force in the observation that lay patronage was of advantage to the Church; but it must be admitted that such patronage was not always exercised in a manner most beneficial to the parishioners, and he doubted, on the whole, whether, without restriction, it was really beneficial to the Church. A strong opinion prevailed in the Church that there should be some restriction even upon the sale of advowsons. He would suggest that no presentation should be made under a newly purchased advowson until after a certain period had elapsed from the sale. The Duke of St. Albans had afforded a very happy instance of the proper exercise of lay patronage, by consulting the wishes of the parishioners, and others had followed his admirable example. In another case the Grocers' Company, as lay patrons of a sinecure City living of £1,600 a year, had come to Parliament to enable them to divide the living in order to endow three churches in different populous parts of the metropolis. Still the system required extensive review by Convocation or some other ecclesiastical body, aided by lay members.

MR. J. G. TALBOT said, he desired to congratulate his hon. Friend the Member for South-west Lancashire (Mr. Cross) upon the manner in which his Bill had been received on all sides. He cordially welcomed the Bill as an attempt to remedy abuses, which had long been winked at but which nobody, justified, connected with patronage in the Church. The defenders and warmest supporters of the Established Church could do nothing more conducive to the promotion of her best interests than to endeavour to remove any real abuses that had sprung up in her system; for, if that were done, an institution which had its roots so deep in the affections of the people as the Church had would long flourish in this country. He hoped that in Committee on the Bill the point would be considered whether a larger limit of time ought not to be allowed for vested interests.

MR. HENLEY said, that, no doubt, the question might arise whether such a description of property ought to be sold at all—a very large and important subject; but he confessed that he found it very difficult to understand on what principle a man should not sell a presentation, but might sell the advowson, which carried that presentation with it 10 or 20 years afterwards, and for all time beyond. No doubt, the hon. Gentleman (Mr. Cross) did not mean by his Bill to strike at the root of private patronage altogether, but it was impossible not to see that such must be its necessary result. Many persons had always thought that private patronage was some security to the Church—that was to say, that if private patronage were wholly done away with, public patronage would have a very indifferent chance of being continued. A great number of persons also thought that patronage, whether public or private, was not altogether free from evil. Those were all questions that grew up from that Bill. Again, he did not see the justice of treating differently persons who possessed that species of property under settlement and those who did not. A man now holding an advowson not under settlement, if that Bill became law, could at once sell it, though it was often worth little more than the presentation; but the man whose property was under settlement was utterly deprived of that power. What he felt was that the Bill, though professing to do very little, was a first step in a very much larger change. A great deal, no doubt, might be said about the evils of private patronage, but so also was it with public patronage. Patrons, whether public or private, were but human beings, and did not always do what they ought to do. Again, if A had got something to sell, and B wanted to buy it, the thing would, somehow or other, be passed from the one man to the other, in spite of any Act of Parliament of that kind. The late Mr. O'Connell said it was always easy to drive a coach and six through an Act of Parliament, and here all that would have to be done would be to drive a poor incumbent through the Bill. No doubt, his hon. Friend had seen many instances of abuse, and wished to prevent their recurrence; but it was to be feared that he would only add to the complication which very often now arose in dealing with that kind of thing; for the impediments they put in the way, generally speaking, did not stop the transaction, but only induced clever people to try in various ways to get round those impediments by which, perhaps, they now and then came to grief.

MR. MONK said, he was very much of the opinion expressed by the right hon. Gentleman (Mr. Henley) that where A. wanted to sell and B. to buy a presentation they would probably find some means of evading that Bill if it became law. Perhaps the Bill did not go quite far enough, but as a move in the right direction it would give great satisfaction in the country generally. He begged to call the hon. Member's (Mr. Cross's) attention to the last clause for saving Archbishop's options, to which he took exception *in toto.*

MR. DICKINSON said, he would beg to give Notice of his intention in Committee on the Bill to move a clause to repeal the unrepealed portions of the Acts 3 *James* I, c. 5; 1 *Will. and Mary*, c. 26; 12 *Anne*, st. 2, c. 14—whereby Roman Catholics and their trustees are disabled from presenting to benefices, and the right of presentation is transferred to the Universities; and 11 *Geo.* II., c. 17, s. 5, whereby Roman Catholics are disabled from granting advowsons except on sale to Protestants, and from devising the same to their own family.

MR. GATHORNE HARDY said, there was much force in the suggestion of the hon. Member for Gloucester (Mr. Monk); but there were options in the nature of personal rights belonging to persons now living which must be preserved. With respect to what had fallen from his right hon. Friend the Member for Oxfordshire (Mr. Henley), he must say that he should think it injudicious and objectionable in the interest of the Church to do away with lay patronage. But he considered the sale of an advowson and the sale of the next presentation to be totally different things. A man took with an advowson continued responsibility; but the purchaser of a presentation merely obtained it for some particular person or temporary object. And when they were told—as, perhaps, they knew too well—that there were cases of subterfuge under the law as it now stood, and that they would be unable by this Bill to protect the Church against fraud and evasion of the law, he did not think the objection of the right hon. Gentleman was one to which the House should listen. It might be that they could not altogether prevent these things; but that was no reason why they should not do as much as possible towards that result. An eminent counsel who appeared before the Corrupt Practices Committee, was asked whether he could suggest any method of stopping bribery at elections, and in reply he said exactly the same as the right hon. Gentleman with regard to one person purchasing from another that which he desired to obtain in defiance of the law, yet Parliament had taken measures to prevent bribery and corruption. The Church of England did not consist of patrons and clergy alone, but of the flock also, and by this Bill the position of the flock was properly recognized.

Bill read a second time, and *committed* for *Tuesday* next.

COUNTY CORONERS (IRELAND) BILL.

(*Mr. Vance, Mr. Callan*).

[BILL 64.] SECOND READING.

Order for Second Reading read.

MR. VANCE, in rising to move that the Bill be now read a second time, said, that its principal object was to alter the mode of paying county coroners in Ireland, by placing them upon salaries, instead of remunerating them by fees. The payment of judicial officers by fees was very liable to abuse, and calculated to expose those officers to suspicion in regard to the discharge of their duties; and the system had been deemed so objectionable that in almost all cases except that to which this Bill referred it had been abolished and fixed salaries substituted. Coroners of counties in England had been paid by salary since 1860. He did not implicitly follow the recommendation made on this subject by the Select Committee on Grand Jury Presentments, for he proposed that salaries and duties should be equalized. There were 86 county coroners in Ireland, and the Bill provided for the reduction of that number by 18 on death or resignation, the Lord Lieutenant being empowered to hold special sessions for redistributing the districts in which reductions were made. In placing the salary at £100, he had adopted the amount fixed by a Bill passed some years ago for regulating the office of coroners, in which the maximum salary was laid down at that sum. That was to say, if their fees had amounted to that sum, they should be entitled to that sum and no more. In an ordinary way it amounted to about that sum, and under his Bill no further burden would be imposed on the county than at present. It might be said that if coroners had salaries they would neglect their duties; but then the Attorney General had power by the Bill to proceed by attachment against any coroner who should refuse to hold an inquest. Another matter was as to the cost of electing coroners. Previously he had proposed that the election should rest with the grand jury; but strong objection had been taken to a departure from the old constitutional mode of election, and, on the whole, he thought it would be better to continue the election in the hands of the constituencies, but to confine the poll to one day instead of two, which would lessen the expense by about one-half. He thought, however, that the election should not rest with the freeholders, but should be given to the general constituency. The Bill would also give a limited superannuation to coroners in Ireland, as in England, but beginning at the age of 70, and to be defrayed partly out of the Consolidated Fund and partly out of the local rates, after the analogy of the case of the medical officers in Ireland. Another provision of the Bill was, that there should be power given to coroners to appoint deputies in their unavoidable absence; there was already such a power in the boroughs in Ireland, though not in the counties. The last provision was, that there should be power to obtain from coroners copies of informations, which at present were reserved entirely for the use of the Superior Courts. It was thought by some few persons that it would be well to abolish the office of coroners and transfer the duties to an inspector of police or a stipendiary magistrate; but there were grave objections to such a course, and it was obviously most important that such functions should be entrusted, as at present, to a class of officers who were independent of the Government of the day, and free from political influence. As bearing on that point, he begged to read the following extract from a legal journal:—

> "There is one important distinction between a coroner's inquest and a police-court examination. The first involves no suspicion, and the other a direct charge against some person or persons. The result of an investigation may be highly important, although it carries blame to no individual as its sequence. The removal of unfounded suspicion or prejudice is one of the most beneficial consequences of such inquiries; at the same time it can hardly be doubted that the coroner's court leads to the detection of many criminals."

The murder of Cook by Palmer was mainly discovered by the coroner's inquest, for although Palmer was taken before the magistrates, they came to the conclusion that he was innocent; but a relative of Cook's had the body disinterred, when poison was traced and the criminal was brought to justice as the result of the inquest. The office of coroner was a very ancient one, for in England it was as old as the time of Alfred, and it was in full force in Ireland in the reigns of Elizabeth and James. It was a particularly useful office in Ireland, where there was so much difficulty in the detection of crime, because it enabled an investigation to be followed up in a way in which it could not be done in any other Court unless a direct charge was made. In addition to the holding of inquests the coroner might have writs directed to him in the event of the death or absence of the Sheriff, or where the Sheriff was himself a party in the case—matters in respect to which the coroner's duties were both important and responsible. He trusted that his Bill would raise the status and dignity of county coroners in Ireland, whose organ he was in bringing the measure before the House, and who had been grievously disappointed, ever since the passing of the Act relating to their English brethren, that nothing had been done to place them on a similar footing. He was fully prepared in Committee to entertain any Amendments that would improve the measure, and he begged to move that the Bill be now read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Vance.*)

MR. SYNAN said, he thought that the withdrawal of the proposal that coroners should be appointed by grand juries removed one objection to the Bill. He had every confidence in the coroners themselves as a body; but he doubted whether the public would place equal confidence in the deputies whom they might appoint. The power of appointing their deputies was, moreover, unnecessary, inasmuch as the coroner of a neighbouring district or a magistrate could easily act for them in their unavoidable absence. As to equalizing the duties of the coroners he did not see how that could be done, unless the deaths in the different districts were first equalized. He had, however, no objection to coroners having fixed salaries instead of being paid according to the number of inquests. He would give the grand jury the power to give the salary and fix the amount. He had also no objection to there being a superannuation allowance, if the amount, or half of it, at least, was to be paid out of the Consolidated Fund. He believed all that was wanted by the coroners was that there should be fixed salaries and a superannuation allowance, and that the rest of the Bill was superfluous.

MR. STACPOOLE said, the present mode of electing coroners was often attended with very great abuse. He considered the payment of coroners by salaries preferable to their payment by fees, and was therefore in favour of the second reading.

MR. CHARLEY said, he would support the Bill, the essential principle of which was the substitution of payment by salary instead of by fees. In illustration of the present unsatisfactory mode of remunerating coroners in Ireland he might cite a case within his own knowledge. A woman being suspected of having murdered her infant child, the coroner was summoned from a distance, and, after travelling some 40 miles, he conducted the inquest with the greatest care, when the woman was found guilty of wilful murder. For his services he received 30*s*., and could claim, in addition, 6*d*. per mile for the distance he had traversed; but not one farthing for his journey back; while he had to pay £5 or £6 out of pocket in fees to medical men, which could not be recouped to him until the matter had been brought before the grand jury. He thought that the provision as to appointing a deputy was a salutary one; and as to the suggestion that improper persons might be appointed, he would remind the House that the Court of Queen's Bench had a control over such appointments. The principle of having a superannuation allowance had already been sanctioned in England. He thought that it would be salutary to do away with the property qualification for coroners, especially as there was now no property qualification for Members of Parliament. The present mode of electing coroners was very objectionable, because it was so expensive. Dr. Hayes, in his evidence, stated that the expenses average from £200 to £1,000, and all to secure the magnificent sum of 30*s*. for each inquest. It was also objectionable because it opened the way to incompetent persons who might have money; but that could not happen if the power of appointment were in the hands of the grand jury or the county magistrates, subject to confirmation by the Lord Lieutenant.

COLONEL FRENCH said, that the principle of the Bill was to substitute salaries for fees. He always looked with suspicion on such proposals. About 40 years ago a similar arrangement was made in reference to the clerks of the Crown and clerks of the peace; but afterwards they received salaries as well as fees. Something of that kind might perhaps, happen in reference to coroners. When it was determined that county officers should be paid by salaries instead of fees, it was understood that they would regularly present accounts of their receipts to the grand juries; but that was seldom done. In no instance had the counties been credited with their amount. He did not know whether, at that moment, the amount of fees received by the coroner, averaged £100 a year; but, formerly, the entire expense of the office of coroner was only £80 a year. The stipendary magistrates might very fairly be expected to discharge all the duties of coroners. The appointment of deputies was a serious question, and a most objectionable provision; the responsibility of the person elected would be at an end, and no confidence would be entertained by the public in their nominees. He would much prefer leaving the law as it now stood—that in the absence of the coroner inquests should be held by two magistrates of the district where the death occurred; under this provision he had held various inquests. He objected strongly to the very expensive mode in which these elections were carried on; the expenses of Mr. Wakley for Middlesex were upwards of £5,000. If the office was to be maintained it should be properly paid for, which was not the case now; the qualifications of the person holding it more strictly defined — more power to check abuses vested in the Grand Juries. Generally speaking he was not favourable to those points in which the hon. Gentleman (Mr. Vance) had departed from the recommendations of the Select Committee on Grand Jury Presentments. As this was a subject that must form an element in the Grand Jury Bill which the right hon. Gentleman the Chief Secretary for Ireland proposed to introduce in the next Session, he saw no reason why the present measure should now be pressed forward.

VISCOUNT CRICHTON said, he approved the principle of payment by fixed salaries; but did not think it necessary that two coroners should be appointed for every county, as that would throw needless expense on the grand jury cess. The duties in such a county as Fermanagh could be very well discharged at a cost of £100, instead of £200 a year. He would give his support to the second reading.

MR. CHICHESTER FORTESCUE said, the Bill consisted of a small number of very important clauses, and a great many of less importance, which might be called "padding." Originally there were three important clauses, but they had now been reduced to two. The 4th clause, which made a great change in the mode of appointment, putting an end to election by popular suffrage and transferring it to grand juries, had now been given up by the hon. Gentleman; and, in doing so, whether wisely or not, he had given up one of his most important proposals. Clause 5 altered the mode of payment, and Clause 7 provided for a system of superannuation. These were the really important points. As to the minor provisions, assisted by his right hon. Friend the Solicitor General for Ireland (Mr. Dowse), he had examined them very carefully, and they did not appear of such a nature as to make it incumbent on Parliament to legislate as far as they were concerned. The proposal to appoint deputies was doubtful. He had not heard any good reason for it, and the exceptional case mentioned by the hon. and learned Gentleman (Mr. Charley) would be hardly considered as furnishing sufficient foundation for the change. He was about to speak of Clause 8 with very great want of respect, but he had been informed by his hon. and learned Friend that it existed already in the English law. That clause proposed that if a coroner refused to hold an inquest, application might be made to the Court of Queen's Bench, or the vacation Judge, for a rule calling upon the coroner to show cause why he should not hold the inquest. But that could not be done in a few days; and, when the rule had been granted, he would leave it to the House to imagine in what condition the unfortunate subject must be. He admitted, however, that the hon. Gentleman had copied that provision from the English law. Clause 10 gave power to the coroner to commit persons charged on information with "being feloniously implicated in the death" of anybody. But he had great doubt as to the expediency of giving such a power, as the law amply provided already for the committal of such persons, either by the local or stipendiary magistrates. Coming now to the two important provisions retained in the Bill, he wished to compare them with the recommendations of the Grand Jury Presentments Committee. Allusion had been made to the *dictum* of the Postmaster General the other night as to the authority of Committees of that House. Far be it from him to say that Committees of that House were infallible. Their recommendations must be judged upon their merits, and also in part upon the character of the members, their knowledge of the subject, their unanimity, and all the circumstances of the case. Judging this question by these tests, he could not imagine a Committee of higher authority than the Committee which sat under the presidency of the right hon. Member for Roscommon (The O'Conor Don), and of which the Earl of Mayo, Lord John Browne, the hon. Member for Galway (Mr. W. H. Gregory), and other hon. Gentlemen of weight were members; and their recommendations on the subject of county coroners were very different from those of the hon. Gentleman (Mr. Vance). The Chairman of the Committee upon Grand Jury Presentments—than whom no one in the House understood the subject more thoroughly, proposed to do away with the office of coroner altogether; and there might be some ground for the proposal, though he was far from saying he had come to that opinion. That part of the paragraph dealing with the subject of coroners—and that part only—was omitted by a decided majority; and all the other paragraphs were, if he mistook not, unanimously adopted. Well, that Committee recommended that some professional qualification for coroners should be necessary in every case. The Bill required no such qualification. The Committee recommended that the appointment of coroners should rest in future with the grand jury or the magistracy, subject to confirmation by the Lord Lieutenant, as the present mode of election was, in many respects, objectionable. The Bill as it now stood, omitting Clause 4, made no change whatever in the mode of appointment. Then, with respect to the desire to assimilate the law of Ireland to the law of England, the Bill failed to accomplish that object. There was no "fixed" salary attached to the office of coroner in this country; but the salary was on the average of the number of inquests for five years. The Committee said that they saw no objection to a system of salaries, instead of fees, adding the important words—

> "Provided that the salaries be fixed in proportion to the number of inquests held during a certain number of preceding years."

But that important proviso was entirely omitted in the Bill. In reference to the provision for superannuation, he (Mr. Chichester Fortescue) confessed he saw no sufficient grounds for providing superannuation pensions at all. According to the general rule—which was very rarely departed from—no superannuation could be provided for officers, unless it could be shown that those officers had devoted their whole time to the public service. The proposal was to throw those superannuated persons upon the Consolidated Fund. That was one which was wholly inadmissible. Under all these circumstances, it would not be in his power to give his support to the second reading. He admitted, however, that the position of coroners in Ireland was not satisfactory. It was impossible for him to introduce a Grand Jury Bill this year, as he had intended, founded more or less on the recommendations of the Committee; but, if he could have done so, that Bill would certainly have dealt with the case of coroners, and nothing but a want of time had prevented such a measure from being introduced. It would, in his opinion, be the duty of whoever had the charge of such a Bill to deal with the question of coroners; and, if the House would allow him, he would leave the matter on that footing, fully admitting that the question was one which deserved the attention of the Government and the House.

Dr. BALL said, he thought that as a general rule, the Government, and not a private Member, was the proper quarter from which proposals for changes and amendments connected with the law and the administration of justice ought to proceed; because whatever related to the administration of justice in a country was of so much importance as to demand the attention of the Executive. But he had observed that when Bills were introduced by private Members on matters which ought to command the consideration of the Executive, whether those matters were the Ballot, the office of county coroners, or any other subject, the reading of them a second time had the effect of stimulating the activity of the Government. Therefore, solely on that ground, and without at all entering into the minute criticism passed by the Chief Secretary for Ireland on the present Bill, he should vote for its second reading. He also thought it desirable to affirm the principle that the mode in which coroners were now paid in Ireland was not satisfactory. It had been suggested that coroners should be got rid of, and their office handed over to stipendiary magistrates; but in that proposal he saw a vista of the creation of another office in connection with the jury system, and he thought it better, in the administration of justice, to build on the old foundations instead of inventing new, and to leave coroners to discharge duties which they had always discharged according to our law, making any such modifications in the system as were necessary to meet present exigencies.

Mr. M'CARTHY DOWNING said, there was great unanimity among the representatives of Ireland in favour of that measure, and all the objections that had been raised to it by the Chief Secretary for Ireland might be dealt with in Committee. It was admitted upon all hands that the position of coroners in Ireland was not satisfactory. The desire of the coroners themselves was that they should be placed in such a position as not to be any longer dependent upon fees for their remuneration. Chairmen of quarter sessions and petty sessions clerks were now paid by salary instead of by fees, and why should not coroners be placed on a similar footing if their office was to be continued? He objected to transferring to grand juries, whose present powers were quite large enough, the election of coroners; and he could not see why coroners, whose duties were often of a very pressing character, should not be allowed to appoint deputies to act in their unavoidable absence. He concurred in thinking that much good resulted from private Members bringing in Bills on Irish subjects and urging them on the attention of the Government. The question of Union rating and other important matters connected with Ireland were pressing for consideration, and yet they had not been taken up by the Government.

MR. MATTHEWS said, he should support the second reading of the Bill. There was conclusive evidence in favour of paying coroners by salary and not by fees. Coroners were the only public prosecutors we had, and they ought not to be paid by fluctuating fees, which were grossly inadequate. The system of payment by fees tempted a coroner to hold unnecessary inquests to swell his income. But in making the change regard must be had to the amount realized by fees. The quinquennial average was adopted in England. He thought the sum fixed in the Bill was not unreasonable. He approved of the principle of superannuation; it was the best possible economy, and the most graceful way of getting rid of an officer appointed for life, who was unable from age or infirmities to efficiently discharge his duties.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he thought the paucity of his right hon. and learned Friend (Dr. Ball's) arguments in favour of the Motion told strongly against it. His right hon. Friend supported the second reading of the Bill because it would have a stimulating effect on the Government; in other words, they were asked to read the second time a Bill full of defects in order to get the Government to bring in a better one. That was not a principle on which the House should avowedly proceed; they ought not, unless they approved its principle, to read a bad Bill the second time merely to stimulate somebody else to introduce a good Bill. The hon. Member for Cork (Mr. Downing) complained that they had not sufficient Irish business before them this Session; but there would be no use in the Government undertaking a measure of that kind this year, because it would be impossible for them to deal with the question in the comprehensive manner that was desirable. The subject could not be satisfactorily treated piecemeal; but must be regarded as part of a general system of grand jury laws in Ireland with a view to their amendment. The Government would be prepared to introduce a measure conceived in that spirit as early as possible next Session; and, therefore, there could be no good reason for hurrying forward the present Bill, which was so faulty in all its details that it could not be passed through Committee without being turned into an entirely new measure.

COLONEL STUART KNOX said, that if the faultiness of its details was a good ground for throwing out a measure, the Irish Land Bill, almost every line of which had to be amended, would certainly have very little claim to their favour. He did not himself approve all the provisions of this Bill. He objected to the appointment of deputies, who were almost invariably made to do the work of the coroners themselves. He was also of the opinion that the ratepayers should have the power of saying whether pensions were to be granted. But he hoped his hon. Friend (Mr. Vance) would go to a Division, and he should support the second reading of the Bill.

THE O'CONOR DON said, he thought the Government were adopting a wise course in declining to deal with the grand jury system of Ireland piecemeal, or otherwise than in a comprehensive and complete manner. This subject should be dealt with in a Bill embracing the whole of the grand jury system, and brought in by the Government. It must be satisfactory to the Irish people that, as a consequence of the small number of inquests in Ireland, the coroners there could not live on their fees, but had to ask for a salary.

MR. DELAHUNTY said, he would support the second reading of the Bill on the ground that the hon. Gentleman (The O'Conor Don) opposed it. The Bill was a step in the right direction. If the whole of Ireland were polled there would be as large a majority for the principle of this Bill as there had been the other day for Napoleon in France. In Ireland coroners could not accept land; in England they could. In Ireland coroners could not appoint deputies; in England they could. He was for assimilating the law of both countries. The Irish Government was a thing which ought not to exist at all, because it was nothing but a sham.

SIR JOHN ESMONDE said, he agreed with those who thought that this question should be dealt with in connection with the Irish grand jury system as a whole.

MR. AYRTON said, on behalf of the Chief Secretary for Ireland, he would beg to move as an Amendment that the Bill be read a second time this day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Ayrton.*)

MR. VANCE, in reply, said, that as the question of the coroners of England had been dealt with by itself, he did not see why the same course should not be adopted in the case of the Irish coroners.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 98; Noes 172: Majority 74.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for six months.

SUBURBAN COMMONS BILL—[BILL 41.]

(*Mr. Cowper-Temple, Mr. Buxton.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Cowper-Temple.*)

MR. J. LOWTHER, in rising to move, that the Bill be read a second time this day six months, presented a Petition from 1,400 persons interested in Cannock Chase against the second reading of the Bill. He said this Bill was a reproduction of a measure introduced on a former occasion by the right hon. Gentleman who had charge of this one (Mr. Cowper-Temple), and it prohibited the enclosure of a common situated within a certain distance of a town, the distance varying, according to the size of the town, from one mile for towns with 5,000 inhabitants to six miles for towns of 100,000 inhabitants. If this Bill passed, no portion of Cannock Chase could be enclosed, although it was notorious that there were minerals in that common which it might be very desirable to have brought to the surface. There were other commons in respect of which the same objection might be urged against the Bill. What, therefore, would be the effect on the industry of the country if this Bill were passed? Why, many mines must remain undeveloped, and the working classes—especially in the neighbourhood of commons in which minerals were found —would be the principal sufferers. At present there were many thousands and hundreds of thousands of acres kept out of cultivation which ought to be cultivated, and he trusted that the House would consider this matter before by legislation they increased the difficulty of such cultivation. There were a million acres which came within the scope of the Bill, the more thorough cultivation of which would be a matter not merely of local, but of national advantage. Under this Bill, persons who had no connection with the particular locality would have a *locus standi* for interference to prevent enclosure. The Bill did not extend to the commons in the neighbourhood of the metropolis; but Gentlemen who had managed with discretion estates on which commons were situated objected to provisions in the Bill which applied to commons in other parts of the country. He would suggest to the right hon. Gentleman who had charge of the Bill that this question of legislation for commons ought to be left with the Government. The Under Secretary of State asked the other night for leave to introduce a Bill to deal with the general question of enclosure, and it was by the Government a Commons Bill ought to be introduced. He submitted that the measure now before the House would not only injure the property of individuals, but would injure the localities in behalf of which it was ostensibly brought forward. The hon. Member concluded by moving as an Amendment, that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. James Lowther.*)

MR. COWPER-TEMPLE said, he thought that if the House went into Committee upon this Bill, it would be shown that the objections of the hon. Member (Mr. J. Lowther) either did not apply or else that they might be met by slight alterations in the various clauses.

The real question now before the House was, whether they would affirm the principle of the Bill, which was intended to prevent the inhabitants of towns being deprived of the enjoyment of waste grounds which they had possessed from time immemorial. The Bill proposed to provide a sort of local government for neglected commons, under which they would be properly drained and preserved, for the enjoyment of the public and preventing disorderly conduct. The Act of 1845 had not operated for the public advantage, but had merely contributed to the success of the attempts that had been made to deprive the public of the enjoyment of the open places in the neighbourhood of towns. When a barren sand or accumulation of gravel became, from its growing proximity to an increasing town, like a mine of gold, the persons interested in the land, as lord of the manor and as commoners, were interested in getting the space enclosed; though one object of the Inclosure Acts was to preserve such places for public recreation. It had become absolutely necessary that the crowded centres of civilization should have open places in their vicinity, to which the poor might go for exercise and recreation, without the fear of being warned off as trespassers.

MR. GOLDNEY said, the principles stated by the right hon. Gentleman (Mr. Cowper-Temple) were doubtless gratifying to the entire House, but the difficulty in this case was that the Bill which he supported did not carry those principles into effect. The Bill, in the first place, defined what commons were, but the scheme and the purport of the Bill were not defined in any way. The Bill merely said that a scheme might be prepared by the inhabitants of a district with respect to the common; but it did not say anything as to what the character of the scheme should be. The Bill offered no security for the permanence of the proposed local government of the commons affected by it. In the case of the ratepayers refusing to pay for the management of the land, it would be left totally without management, and its condition would be far worse than it was under the present law. If the House assented to the second reading of the Bill, he would move that it should be referred to a Select Committee, with a view to its being altered and improved in such a manner as to carry out the views they all had at heart, although it would be preferable if the Government were to bring in a measure dealing with the subject in a comprehensive manner.

MR. KNATCHBULL-HUGESSEN said, that if it was the general custom of persons representing a Government on such occasions as the present, to endeavour to please all parties, he feared that he was about to deviate from that custom, inasmuch as he must differ in some respects from all three of the hon. Members who had already addressed the House. He would first deal with the proposal of the hon. Member for Chippenham (Mr. Goldney), that this Bill should be referred to a Select Committee. He would say at once that he thought the matter had gone beyond the point at which reference to a Select Committee might have been necessary or desirable, and that, in his opinion, the House was quite competent to decide the question for itself. Then he must also say that he could not agree to the Amendment of his hon. Friend the Member for York (Mr. J. Lowther), to throw out the Bill upon the second reading. There were several reasons why he should object to such a course: one reason was his unwillingness to treat with disrespect a Bill upon this subject which proceeded from a Gentleman of so much experience, and one whose opinion upon these matters was so much entitled to respect as his right hon. Friend, and a still more important reason was that, so far as he understood the principle of the Bill, he was prepared, on the part of the Government, to give his vote in favour of that principle at the present stage of the measure. He understood the main principle of the Bill to be this—that Parliament believed that commons in the vicinity of towns and crowded districts should be dealt with in some manner different from that in which ordinary rural enclosures were treated, that the feelings and interests of the inhabitants of such localities should be consulted, and that legislative interference should prevent their being deprived of the open spaces from which they derived so much advantage. He could not help subscribing most heartily to such a proposition. He was prepared to state, on the part of the Government, that they would consider this question of public rights in land liable to enclosure in a broad and comprehensive spirit, and as an indication of this intention he would support the second reading. At the same time, he was bound to tell his right hon. Friend that he should be sorry to see the details of his Bill become law, inasmuch as he found much of them that was objectionable. In the first place, this Bill would positively prevent the enclosure of any suburban commons. But although he quite agreed that, as a rule, these enclosures should be avoided and prevented, it by no means followed that this rule was without exception, and its operation might in many cases be attended with great inconvenience. Take the case of the town of Nottingham. There was a time—not long ago—when the extension of that town was prevented by the impossibility of acquiring land for building purposes. Until the commons around the town were enclosed, and rights of severalty established, no one of course would venture to build, because whilst common rights existed, the title of no individual to any particular spot of ground could be secured. The consequence was that the poorer classes, who wished to acquire cottages near the town, could not do so, but were driven into the rural districts, far from their work, and thus much inconvenience was occasioned. There were other towns also—Stamford was a case in point—to which the same observations would apply. The commons round Stamford were actually in one of the ordinary Inclosure Bills which had been presented by the Commissioners during the present year, and public inconvenience would probably occur if enclosure was absolutely refused. For this and other reasons, therefore, he thought it contrary to sound policy and to the interests of the poorer classes themselves to lay down such an absolute rule against enclosures as that which appeared to be contemplated by his right hon. Friend. Moreover, he was by no means sure that the Metropolitan Commons Act—of which this Bill was an extension—had had sufficient trial since its passing in 1866 to admit of its wider application. The Select Committee which sat upon this subject last year reported in these words—

> "Sufficient time has not elapsed since the passing of the Metropolitan Commons Act to enable such a fair judgment of its working to be formed as would justify your Committee in recommending the application of its provisions to a wider area than that to which it at present applies."

His right hon. Friend had alluded to the applications for "schemes" which had been made under that Act. Well, eight such applications had been made; but seven of them had at present not been arranged, in consequence of disputes and local differences, and as the eighth had only recently received sanction, it was impossible to judge accurately as to the good or ill-working of the Bill. But one witness—Mr. Scott—before the general Enclosure Committee last year stated that he thought the objection made by one of the Enclosure Commissioners to this Act, that there had only been seven applications under it, was "its best recommendation." That was the key to much of the support given to the present Bill—that people thought it would prevent these enclosures altogether, and this was further than he (Mr. Knatchbull-Hugessen) was prepared to go. He regretted very much that the lateness of the hour at which he had introduced the Government Enclosure Bill the other night had prevented him from making any statement upon the subject; but he now proposed to briefly state the points in that Bill which would bear upon the measure then under discussion, and to sketch out the alternative plan which he would prefer to that of his right hon. Friend. The Government Bill was based upon this idea and proposition—that if lords of manors and others, being desirous to enclose commons, came to Parliament in order to obtain a cheap and secure title and greater facilities of enclosure, they should, in return for such advantages received from Parliament, give something to the public of which Parliament was the representative—therefore Government proposed that instead of leaving it to the discretion of the Enclosure Commissioners, whether allotments should be given to the labouring poor for recreation ground, one or both should be compulsorily given in every case of enclosure, and a certain specified proportion of the lands about to be enclosed set aside for this purpose. The Government, moreover, would propose that in the case of commonable lands, which, as distinguished from common lands, were not now subject to public allotments, it should be enacted that, for the future, if any public rights had been exercised over any part of these lands, enclosure should be contingent upon either the preservation of those rights, or the granting of a public allotment. Then, with regard to the commons in the vicinity of towns, which were dealt with under the Bill now under discussion, Government proposed that, taking some such scale as that mentioned in the Bill, enclosures within a certain distance of places containing a certain population, should not be altogether prevented, but should not proceed without the consent of the local authority of such places. Thus it would, he hoped, be impossible that enclosures should proceed against the public feeling of localities, which ought to be consulted. If the local authority, not objecting to the enclosure, wished to secure for recreation or allotment ground a larger portion than that which would be secured by the provisions of the Government Bill, they might make their consent contingent upon their acquisition of such larger portion, for which they would pay a certain rent-charge from their total funds. But, with respect to the first allotments, given under the general Act, for which a rent-charge was now paid by the allottees, the Government Bill would provide that, for the future, those allotments should be given free of charge. There were several minor provisions in the Government Bill—which was not a long one—to which he would not then allude. One more argument he might mention as weighing against the total prohibition of enclosures, and this was founded upon the rating aspect of the question. The pressure of local rates was now very severe; unenclosed land contributed very little to these rates, and it would be a more than doubtful policy rigorously to exclude such lands from being brought into a state of cultivation in which they would produce more, and aid in bearing the heavy weight of local taxation. He had been asked what he would do with the ordinary Enclosure Bill now before the House—this Bill affected the enclosure of 21 commons, comprising upwards of 12,600 acres of land, of which upwards of 7,000 acres were subject to allotments. This showed in some respect how large the subject really was. He (Mr. Knatchbull-Hugessen) proposed to test the different provisional orders sanctioned by this Bill by the provisions of the Government Bill just introduced—to proceed with those which did not violently clash with those provisions, but not to sanction enclosures which would be opposed to the resolution of last year's Committee, that no further enclosures should be sanctioned by Parliament until certain recommendations of theirs had been adopted, and alterations in the law made, which would be found embodied in the Government Bill. He (Mr. Knatchbull-Hugessen) could say much more on the question, but was anxious to curtail his observations at that hour. His hon. Friend the Member for York had referred to those gentlemen who assembled in Trafalgar Square, and, seated astride the lions, talked largely of the many thousand acres of land out of cultivation in England which ought to furnish employment for the people. He must take leave to doubt whether his hon. Friend fully and correctly appreciated the intention and scope of the arguments used by these Trafalgar Square enthusiasts. They were not demanding the enclosure of these commons as a means of adding many acres to the large estates of landowners who might be lords of manors; but that which they desired was an appropriation of these and other lands to purposes, and in a manner, which his hon. Friend would probably consider, in the very strongest sense of the word, a mis-appropriation. Let him give a word of advice to his hon. Friend and to other landowners. If they wished to check democratic action in these matters, and to oppose the views which were fulminated in Trafalgar Square and other similar places, the true way to do so was to deal in a large, fair, and liberal spirit with such matters as they were now discussing. He would be glad that the House should, by an unanimous vote, pass the second reading of this Bill, solely as an indication of its desire to consult the interests of the dwellers in crowded places, and to afford them fresh air and open space where such could be found. He remembered, in his own county, instances where formerly there were miles of pleasant rides for equestrians—and pleasant walks for pedestrians across green turf, where now there was nothing but dusty road. It was impossible to look back upon such a change without regret, and it must be far worse to those who dwelt habitually in narrow streets, and to whom these open spaces were invaluable. He trusted, therefore, that the House would indicate their opinion by affirming the principle of the Bill at its present stage, and at the same time he reserved the fullest discretion to the Government to prefer its own alternative plan, and either to oppose the present Bill at a future stage, or, adopting so much of its provisions as they approved, to incorporate those provisions with their own Bill, so that the House might pass one measure upon the whole subject of enclosures.

Sir HENRY SELWIN-IBBETSON said, he regretted that the Government opposed the reference of this Bill to a Select Committee, because the details of a measure of this kind must require most careful examination. It was clearly the opinion of the House last Session that that course ought to be taken with the identical measure then before it.

Colonel BARTTELOT said, this was a very important question, and while he quite concurred in the wishes of his right hon. Friend who introduced the Bill (Mr. Cowper-Temple), he thought the House was placed in some difficulty by the statement made from the Treasury Bench. The hon. Gentleman who made that statement (Mr. Knatchbull-Hugessen) had declared himself in favour of the second reading, and therefore in favour of the principle of the Bill, while at the same time he had propounded a measure which was totally at variance with the principle of the Bill. He (Colonel Barttelot) thought that the rights of property as well as the interests of large towns should be consulted. The present Bill, however, regarded the latter exclusively. Under these circumstances, he thought the Bill ought to be referred to a Select Committee, which could report in ample time for any legislation to be founded upon the Report this Session.

Mr. G. B. GREGORY said, he also hoped that the Bill would be referred to a Select Committee.

Mr. ASSHETON said, he thought the House had overlooked one large class of property which would be affected by the Bill, and he thought it would be better to send the Bill to a Select Committee.

Colonel CORBETT said, he wished to ask the right hon. Member for South Hampshire (Mr. Cowper-Temple) whether he would consent to send the Bill to a Select Committee, as his answer would materially influence the course of many hon. Members.

Mr. COWPER-TEMPLE said, he could not consent to refer the Bill to a Select Committee.

Mr. J. LOWTHER said, that in that case he should take the decision of the House upon it.

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read a second time.

Motion made, and Question proposed, "That the Bill be committed for Wednesday the 22nd day of June next."—(*Mr. Cowper-Temple.*)

Mr. GOLDNEY moved that it be referred to a Select Committee.

Amendment proposed, to leave out from the word "committed" to the end of the Question, in order to add the words "to a Select Committee,"—(*Mr. Goldney,*)—instead thereof.

Mr. BRUCE said, that an addition to the very large number of Select Committees already sitting would cause inconvenience to hon. Members, and he would recommend that the hon. Member (Mr. Goldney) should postpone his Amendment until the 22nd of June, when the Motion was made for going into Committee. In the meantime, he did not at all despair of framing clauses which would satisfy both his right hon. Friend and those who had criticized his right hon. Friend's (Mr. Cowper-Temple's) measure. The Government was clearly of opinion that the Bill should be limited so as not to bring about the enclosure of land required for the recreation of the people.

Mr. GOLDNEY asked leave to withdraw the Amendment.

Mr. J. LOWTHER objected.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 133; Noes 77: Majority 56.

Main Question put, and *agreed to.*

Bill *committed* for *Wednesday* the 22nd day of June next.

TURNPIKE ACTS CONTINUANCE, &C. BILL.

On Motion of Mr. KNATCHBULL-HUGESSEN, Bill to continue certain Turnpike Acts in Great Britain; to repeal certain other Turnpike Acts; and to make further provisions concerning Turnpike Roads, *ordered* to be brought in by Mr. KNATCHBULL-HUGESSEN and Mr. Secretary BRUCE.

Bill *presented*, and read the first time. [Bill 125.]

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 12*th May*, 1870.

MINUTES.]—PUBLIC BILLS—*First Reading*—Ecclesiastical Dilapidations* (94); Railways (Powers and Construction)* (96).

Committee — *Report* — Ecclesiastical Patronage Transfer (55).

Report—War Office (92).

Royal Assent—Naturalization [33 *Vict.* c. 14]; Dublin Collector General of Rates Franchise [33 *Vict.* c. 11]; Customs (Isle of Man) [33 *Vict.* c. 12]; Survey of Great Britain, &c. [33 *Vict.* c. 13]; Oyster and Mussel Fisheries Supplemental [33 *Vict.* c. 6].

ECCLESIASTICAL PATRONAGE TRANSFER BILL—(No. 55.)

(*The Lord Lyttelton.*)

COMMITTEE.

Bill *considered* in Committee (according to Order).

On the Bill being reported, without Amendment—

THE MARQUESS OF SALISBURY asked the noble Lord (Lord Lyttelton), who had introduced the Bill, to give their Lordships some idea of its object. Nobody on his side of the House appeared to know anything about it.

LORD LYTTELTON said, the object of the measure, as he had fully explained on a former stage, was to remove a flaw in former Acts respecting the transfer of patronage. There were in his neighbourhood some small livings, of which the patron wished to augment them; but being unable to contribute the quota required by the Ecclesiastical Commissioners in the case of benefices in private patronage, he desired to transfer the patronage to some public body. At present, however, an unintentional defect in former measures on the subject was an obstacle to such a step. The Bill therefore provided that the patronage or advowson of benefices so circumstanced should be included within the powers of the former Acts, and might be made either from or to any ecclesiastical corporation, aggregate or sole, notwithstanding any Statute of Mortmain.

THE BISHOP OF LLANDAFF said, that he would mention a case in his own diocese which showed the necessity for this change in the law. In 1861 a district parish was separated from the mother parish of a large and populous town in his diocese—Merthyr Tydvil. That district then contained 5,288 persons, and during the nine years which had since elapsed the number of its inhabitants had doubtless greatly increased. A church was built by means of private liberality, aided by grants from the Ecclesiastical Commissioners and Queen Anne's Bounty, and a sum was raised for endowments which gave an income of £79 a year. An application was made to the Commissioners to increase that small sum, and they agreed to make it up to £300 a year, on condition that the patronage of the Church was made public. The incumbent raised a sufficient sum to purchase the advowson. The Commissioners proposed a scheme; but the Law Officers made an objection to it, and it was cancelled. The result was that this clergyman, who besides his own church had four licensed schoolrooms, each with its separate minister, had been left for nine years with a stipend of £79 a year. That was surely a sufficient illustration of the need there was for the Bill.

THE LORD CHANCELLOR said, he had thought it his duty to examine the Bill by the several statutes referred to. They were very clumsily worded, and though the defects which had been pointed out were of a somewhat microscopic character, he thought that they might as well be cured.

Bill to be read 3^{a} *To-morrow.*

WAR OFFICE BILL.—(No. 92.)

(*The Lord Northbrook.*)

REPORT.

Amendment *reported* (according to Order.)

LORD NORTHBROOK stated that the suggestion of the noble Duke (the Duke of Richmond) on a former evening had been considered by the Secretary of State for War with the attention to which the spirit in which it was offered entitled it, but he had not felt himself able to adopt it. The appointment of an Assistant Under Secretary would involve changes in the constitution of the Department which were not deemed advisable.

Lord LYVEDEN said, he wished to say a few words on the position in which the House was placed by the adoption in Committee of the Amendment of the noble Earl (Earl Grey). He (Lord Lyveden) admitted that at the present time the duties of the Secretary for War were very laborious; but he deprecated the creation of new Offices merely on account of temporary pressure. It was not attempted to be shown that this pressure of business would continue. He would not, however, dwell upon that—he had once held Office in the Department himself, and he knew that there was much to be done. The justification of the Bill, as he gathered from the explanation of the noble Lord (Lord Northbrook), was that the Secretary for War was frequently a civilian, and he admitted that when a short time after entering upon his Office he had to propose the Estimates, he found that he should have a difficulty, as a civilian, in explaining them. The Bill, as brought up from the Commons, proposed that the Surveyor General of the Ordnance, if a Member of the House of Commons, should vacate his seat on accepting Office, and that the Financial Secretary should be under no such obligation. The noble Earl (Earl Grey) proposed in Committee that the Surveyor General should not vacate his seat, explaining that he did so merely for the sake of symmetry, and that if it were rejected he should move that both officers should vacate their seats, and their Lordships adopted that Amendment. He was never more surprised in his life than to see the noble Duke opposite (the Duke of Richmond) and his Friends vote in favour of that Motion, because he had understood the noble Duke to contend that neither the one officer nor the other should have seats in the House of Commons. There was much to be said in favour of that proposition; but by the vote he gave the noble Duke had thrown an additional obstacle in the way of what he wished to obtain, for if the Surveyor General had been called on to vacate his seat there was a chance that he might not be again elected; but by the vote the noble Duke had given it was certain that both the Surveyor General and the Finance Secretary would always be Members of the House of Commons. This was a great constitutional question. It had been frequently argued whether a Minister on his appointment ought to vacate his seat or not. Now, he submitted that it was a question for the constituencies, whether persons whose position changed from perfect independence to perfect subserviency should be bound to vacate their seats. It was one which peculiarly belonged to the House of Commons; and he trusted that their Lordships, who were always jealous of any infringement of their privileges, would carefully avoid a collision with the House of Commons in a case where nothing whatever was to be gained. He wished to know whether the Government were content that the Bill should go back to the Commons with such an Amendment?

Lord NORTHBROOK replied that the Government, though they had opposed the Amendment for reasons explained at the time by his noble Friend (Earl Granville), did not deem it right to ask the House to reverse its decision. The point was not one of great importance either way, and it would ill become him to anticipate the view which might be taken of it by the other House.

Bill to be read 3^a *To-morrow.*

IRISH COLLEGE, PARIS, AND ENGLISH COLLEGE, DOUAY.

MOTION FOR A PAPER.

The Marquess of CLANRICARDE, with a view to obtaining complete information on the matter which he brought before the House on Monday, *moved* that there be laid before the House—

Return of unsettled demands on the funds provided by the Government of France for liquidating the claims of British subjects, and of the balance which remains unappropriated to the liquidation of such claims, including interest thereon; together with copies of Treasury Minutes relating to the surplus fund arising out of the Treaties and Conventions of 1814, 1815, and 1818, between his late Britannic Majesty and the King of France.—(*The Lord Somerhill.*)

The Marquess of LANSDOWNE stated that there was an objection to the Motion in point of form, but not to the production of the Report, and he would lay it on the Table.

ECCLESIASTICAL DILAPIDATIONS BILL [H.L.]

A Bill for the amendment of the Law relating to Ecclesiastical Dilapidations—Was *presented* by The Lord Archbishop of YORK; read 1ª. (No. 94.)

House adjourned at half past Five o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 12*th May*, 1870.

MINUTES.]—SELECT COMMITTEE—Registration of Voters in Counties (England and Wales), Mr. Winn *discharged*, Mr. Pell *added*.

PUBLIC BILLS—*Ordered—First Reading*—Vaccination Act (1867) Amendment [126].

Second Reading—Referred to Select Committee—Valuation of Lands and Assessments (Scotland) * [102].

Committee—Irish Land [29] — R.P.; Women's Disabilities [31], *negatived.*

Third Reading—Poor Relief (Metropolis) * [36], and *passed.*

CHARITY COMMISSIONERS' REPORT.

QUESTION.

MR. NEVILLE-GRENVILLE said, he would beg to ask the First Lord of the Treasury, Whether he has noticed the paragraph in the Charity Commissioners' Report, just issued, again calling attention to—

> "The unsatisfactory state of the Law relating to the administration of charities, and of the necessity of giving larger powers to some of the ordinary tribunals;"

and, whether the Government propose to take action thereon?

MR. GLADSTONE said, he presumed that the Question referred to a passage in the Appendix of the Report, in which the Commissioners made a general statement, to the effect that it would be desirable to give wider powers to some of the ordinary tribunals. The suggestions were, however, of a very general character, and the matter was under the consideration of the Government. He was not aware that the Commissioners had arrived at any conclusions with respect to new legislation; but when they did their recommendations would be duly announced.

SALARIES TO CLERKS IN THE CUSTOMS.

QUESTION.

COLONEL TAYLOR said, he wished to ask the Secretary to the Treasury, When the revised scale of salaries granted to the Clerks in the Customs in the Port of London by Treasury Minute of 28th November 1868, but subsequently suspended by Treasury Letter of 1st January 1869, will be allowed to come into force; and, whether the operation thereof will date, as originally directed, from the 1st April 1869?

MR. STANSFELD, in reply, said, the hon. and gallant Member seemed to infer that the only question reserved by the present Government upon the Treasury Minute of the 28th of November, 1868, made by the late Government just before quitting Office, was the time when that Minute should be brought into operation. That there might be no mistake upon the matter, it would be well to say that the present Government took a wider view of their responsibility upon this point, and by suspending the Minute they intended to reserve the right to consider the proposal under that sense of responsibility. He was confident the motives of the late Chancellor of the Exchequer in issuing that Minute were unexceptional; what he had said had reference only to the present Government's views. It appeared that three several Commissions had been appointed to inquire into the subject; two of them had reported, and the third was still deliberating. When this third Commission had reported the Government would give the whole subject their best consideration.

NAVY—GOVERNMENT STORES.

QUESTION.

MR. HOLMS said, he wished to ask the Secretary to the Admiralty, Whether it is true that at any of the Home Victualling Yards articles of provisions or clothing have been kept so long in store that they have had to be condemned as useless; and, if so, whether he can state what the articles are and how long they have been in store; and, whether he can say if any purchases of such articles have been made notwithstanding there were such stocks in store?

MR. BAXTER: It is true, Sir, that articles, both of provisions and clothing, have been kept in store till they perished from age. At Plymouth Victualling Yard, on a recent inspection, it was found that a quantity of flushing jackets had been in store since 1854, and had become useless; that upwards of 2,000 sets of materials for making trousers were in the same condition; that lime-juice and prepared soup had become deteriorated through age and unfit for issue; and that 4,000lbs. of pickles had to be condemned. The extent to which articles remain in stock which ought to have been issued or sold long ago has not yet been fully ascertained; but a thorough inquiry is now being made by the Superintendent of Victualling into the state of the stores both at home and abroad. Purchases of some of the articles in question have been made at dates subsequent to the laying in of the stocks to which my hon. Friend refers.

INLAND REVENUE OFFICERS.

QUESTION.

Lord ELCHO said, he would beg to ask Mr. Chancellor of the Exchequer, Whether, having reference to the increased duties of ordinary Inland Revenue Officers, and to a supposed understanding come to on the subject, it is intended to increase their salaries; and, if so, from what time the increase will date?

The CHANCELLOR of the EXCHEQUER: Sir, I attach no weight to any supposed understading. I neither suppose nor understand. There is no doubt that the number of Inland Revenue officers must be increased by the new duties which have been thrown upon them, and I hope will be thrown upon them; it is also clear that in many cases the duties discharged by these officers have been increased, and it is equally certain that some extra charge must be incurred; but the public will be benefited to a much greater extent. Under these circumstances, I am quite ready to say we shall be pleased to consider the question of increasing the salaries of these officers, having regard to the points I have mentioned.

PROPOSED REPUBLICAN DEMONSTRATION IN HYDE PARK.—QUESTION.

General FORESTER said, he would beg to ask the Secretary of State for the

Home Department, Whether his attention has been called to a paragraph in the "Daily Telegraph" of May 10, headed—

> "Demonstration in favour of French Republicans.—A number of persons who sympathise with M. Flourens and the French Republican party, as it is called, have resolved on holding a demonstration in Hyde Park on Sunday next, at 2 30 p.m., to express sympathy with the French Republican party, and to protest against the alleged demand by the French Ambassador for the extradition of M. Flourens;"

and, whether such a demonstration will be permitted to take place?

Mr. BRUCE: Sir, I have seen the paragraph alluded to by the hon. and gallant Gentleman. I believe that some such scheme has been in contemplation, on the supposition — a very mistaken supposition — that a demand has been made for the extradition of M. Flourens and some other French refugees by the French Government. I shall take this opportunity of stating most explicitly that, neither officially nor privately—neither directly nor indirectly—has Lord Clarendon received any communication from the French Government, from Lord Lyons, or from M. de Lavalette, with respect to M. Gustave Flourens or any other French refugee; nor has any mention been made to Lord Clarendon of any connection which they may have had with the conspiracy now under investigation at Paris. Under these circumstances, the reason for holding the meeting being altogether without foundation, it may be hoped that no attempt will be made to hold the meeting. If any such attempt is made, I can assure the hon. and gallant Gentleman that every care will be taken to preserve peace and order.

COMPENSATION TO TAX COLLECTORS.

QUESTION.

Mr. WILBRAHAM EGERTON said, he would beg to ask Mr. Chancellor of the Exchequer, Whether he intends to provide any compensation for the parochial officers who have hitherto collected the Income Tax and other Taxes which he proposes to place under the officers of the Inland Revenue?

The CHANCELLOR of the EXCHEQUER said, in reply, that in consequence of the collection of the income and other taxes by Inland Revenue, instead of by parochial officers, the subject of their compensation was under the consideration of the Government, and they proposed to guide themselves by the Bill introduced on the subject by the First Minister of the Crown, when Chancellor of the Exchequer in 1854.

IRISH LAND BILL—[Bill 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

COMMITTEE. [*Progress 9th May.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 17 (Restriction on eviction of tenant).

Dr. BALL, who had an Amendment on the Paper to omit the clause, said, as the omission of the clause was, he understood, objected to, he would propose certain Amendments which would obviate the necessity of that course. He thought it extremely objectionable that compensation for improvements should be mixed up with questions of rent. It was not probably contemplated in framing the Bill; but, as the clause was worded, in the case of an ejectment it would be in the power of the tenant to set up a counter demand and turn his landlord out of Court, making him at the same time liable to the costs of the ejectment. He proposed, therefore, to move some Amendments. His principal alteration would be to insert after the word "satisfied," in line 17, the words "unless the Judge or chairman before whom the ejectment is decided shall otherwise direct." The object of this was to retain in the hands of the Judge the powers which he at present possessed of accelerating or staying the period of ejectment.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he would not offer any opposition to the Amendment proposed by his right hon. and learned Friend, because he believed it right that discretion in this matter should be given to the Court. He suggested, however, that his right hon. and learned Friend should alter the word "ejectment" to "case."

Dr. BALL said, he would accede to the suggestion.

Mr. M'CARTHY DOWNING said, he was sorry to hear that the Solicitor General for Ireland had given his sanction to the Amendment proposed by the right hon. and learned Gentleman opposite (Dr. Ball), because this clause was really the only one in the Bill which afforded any protection to the tenant. He entirely objected to leaving any discretion with the Chairman of quarter sessions to give a landlord power to get possession of a tenant's farm until the compensation to which he was entitled was paid. In the Bill of 1850, the landlord was bound to tender to the tenant the amount of his improvements before he could bring an ejectment. He trusted the Government would re-consider the matter before giving to the Judge or Chairman of quarter sessions a power which was never before given in any Bill on the subject.

Dr. BALL said, his hon. Friend did not see the inconvenient consequences which would follow if no jurisdiction of this kind was vested in the Judge. For instance, if the tenant owed one year's rent, but had a house worth seven, the landlord would have to pay seven times the amount he sought to recover before he could proceed against the tenant, or the tenant could continue his occupation for seven years without paying any rent. He was sure the hon. Member did not contemplate such an arrangement as that, and his observations must have had reference to ejectments on title. But he might be sure that the Judge would exercise the discretion given by the Amendment with the greatest tenderness for the tenant, and simply employ it to prevent injustice.

Mr. SYNAN opposed the Amendment. The 8th section said that "ejectment for nonpayment of rent shall not be deemed 'disturbance;'" but his right hon. and learned Friend wanted to apply his Amendment only to ejecment for non-payment of rent. The Amendment was not required, in the first place, because such ejectment was taken altogether out of the operation of the 3rd clause; and, secondly, because the compensation under this section was the compensation due after all the claims of the landlord had been met.

Mr. MATTHEWS said, if a lease was granted for 14 years, when the 14 years came to an end, if the landlord did not allow the tenant to continue in possession, he would be guilty of "disturbance;" but, under Clause 17, the tenant could not be compelled by process of law to quit until he had been paid the compensation to which he was entitled, which would be an indeterminate compensation to be assessed under the 3rd clause. He had some difficulty in seeing what would be the position of the landlord between one tenant demanding possession under a lease, and the other who was entitled to remain in the holding until compensation was given.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, there was not much difficulty in the matter. As soon as the lease expired by efflux of time, before the landlord could get possession another process must be gone through—namely, giving up possession by the tenant. But if a tenant was unwilling to give up possession, and the landlord proceeded to eject, then the tenant would be "disturbed" within the meaning of Clause 3, and would apply to the Court, when the machinery provided by Clauses 12, 13, and 14 would come into operation. Clause 17 proposed that the tenant should not give up possession until paid compensation; but there might be extreme cases in which it might be desirable to enable the Court, should it think proper, to make the tenant quit before getting compensation.

MR. M'CARTHY DOWNING explained that his objection was not intended to apply to cases in which a tenant was ejected for non-payment of rent, but to cases in which the tenancy was determined by a notice to quit. He repeated his objection to the proposed power as one never before given under any Bill.

MR. CHICHESTER FORTESCUE said, he would not accede to the Amendment if he thought it reversed anything enacted by the earlier portion of the Bill. But he thought the hon. Member's fears were unfounded. The clause laid down the general rule that a tenant was not to be compelled to quit his holding until compensation was paid; but, having first laid down that general rule, it proceeded to give the Court a discretion to sanction a departure from that rule where the Court might think necessary. He could not deny that cases might arise where such a power would be requisite; and he believed the Amendment would make no substantial change in the policy of the Bill.

MR. BAGWELL said, he did not see why it should not be plainly laid down that, when the landlord obtained possession of the land by the decree of the Court, he should pay the money to the tenant which it had been decreed that he should pay. He thought the clause might be so framed as to give security to the tenant, and preserve the peace of the country.

MR. W. H. GREGORY said, there were two objects in view—the one to secure compensation to the tenant for his improvements, and the other to prevent the tenant's wrongfully keeping possession. If they allowed a tenant to stay in who was notoriously a pauper, they would be doing a grievous injustice to the landlord, and encouraging the tenant to put forward false claims in order to raise a dispute, and keep the landlord out of possession. On the other hand, it was urged that a lien might be worthless to the tenant. Why should it not be provided that the landlord should give the tenant such security as might be approved by the Court for the value of his improvements?

MR. W. SHAW said, he thought it would be unjust, where it was sought to evict for non-payment of rent, to let the tenant hold the land; but in all other cases the best security for the tenant was the possession of the land.

MR. M'CARTHY DOWNING said, it would be a perfect mockery to tell a tenant of a small holding that he could apply to the Court of Chancery to enforce his claim to compensation; and if this Amendment were carried he should regard the Bill as not worth acceptance. What was wanted was that the tenant, on leaving his holding, should have the money to which he was entitled at once, in order that he might be able, if he chose, to go into a town to engage in some kind of business, or emigrate to America.

SIR ROUNDELL PALMER said, he thought the opponents of the Amendment lost sight of the fact that the clause, as it stood in the Bill, would lay down the general rule that the tenant was to remain in possession. The question was, whether the Committee would leave the Court, which they had already entrusted with large powers, to decide whether there were exceptional cases where justice required the suspension of the general rule; and, if so, upon what terms it was to be done. He could not think the Court would exercise this power of dispensation except in special cases and with proper safeguards.

Amendment *agreed to.*

Further Amendments made.

Clause, as amended, *ordered* to stand part of the Bill.

Clause 18 (Court to mean Civil Bill Court or Court of Arbitration).

DR. BREWER observed, that in by far the larger number of cases the fee simple of the land would not pay the costs incurred in the settlement of disputes under the Bill. It was, therefore, of the first importance that the public should have confidence in the Court of First Instance, in order to prevent the necessity of appeals. Under these circumstances, he moved, in page 10, line 23, to leave out from "say" to "or," in line 25, and insert—

"The Court of Land Session, consisting of the three judges of the Civil Bill Courts of three adjoining counties (to be grouped from time to time by the Lord Lieutenant of Ireland), which Court shall take cognizance of the matters relating to any holding situate within the jurisdiction of the three Civil Bill Courts in which the three judges severally preside: The said Court of Land Session shall be held once a year in the assize town of one or more of the counties within the jurisdiction of the said Civil Bill Courts in the months of November and December to hear and decide upon the land questions submitted to it; and an appeal from the decision of the said Court of Land Session shall lie (with leave of the said Court) to the judges of assize within the county where the matter has arisen, whose judgment shall be final."

MR. CHICHESTER FORTESCUE said, that the Amendment was founded upon an assumption which the Government did not admit, and that was that the County Courts were not to be trusted to administer this Act. The assistant barristers already decided a great number of important matters, and decided them to the satisfaction of the parties. The Amendment itself would give rise to great inconvenience. It would be no easy matter to bring together three assistant barristers who were already engaged four times a year in their Courts, and had besides their own business to do. Further, they would meet only once a year in one town in the county; whereas they now sat four times a year, and in several places in each county. Again, the local character of the tribunals was one great advantage of the Bill, and for these reasons the Government could not assent to the Amendment.

DR. BALL said, he thought some such plan as proposed would be an improvement; but he feared that the Chancellor of the Exchequer would not be ready to provide for the additional expense which would be necessary if assistant barristers were asked to meet in the different counties, and by so doing to increase their personal expenses and sacrifice their professional practice.

MR. BRUEN said, he was sorry that the Government would not adopt the Amendment, or at all events a portion of it, for he thought that it would be a great advantage to have three Judges sitting together. If single Judges gave decisions he was afraid that some of them would be of an extraordinary character. He did not think that the objection as to the increase of expense was a valid one against having a good system. In his opinion the sittings of the three Judges ought not to be confined to one a year.

VISCOUNT ST. LAWRENCE looked with great apprehension to having 32 different land Courts in Ireland, and thought that more strongly constituted Courts would better administer the law. As to the expense, it would be better for landlords and tenants to submit to some taxation rather than they should be taken from one Court to another upon appeal.

MR. SHERLOCK observed, that the proposed Court would meet only once a year, whilst the assistant barristers sat four times a year, and it was very important that there should be frequent adjudications.

Amendment, by leave, *withdrawn.*

MR. W. SHAW asked any hon. Member acquainted with the Quarter Sessions Courts in Ireland whether he thought them suitable Courts for determining matters involving such an amount of property as the Bill would place under their control. Conflicting decisions would be given by the 32 Judges of the existing Courts, and thereby much dissatisfaction would be caused in Ireland. Again, those Judges to whom it was proposed to intrust the carrying out of this Bill were not men of the highest standing in their profession, and, generally speaking, had no knowledge of the laws relating to property; while many of them were old men, who could not bring to the consideration of such questions that freshness of mind which was so much required. As an owner of property, he (Mr. Shaw) looked with great apprehension to the action of the

Courts which would have to put this Bill into execution, and although he might be told that there would be an appeal from those Courts, yet that, he contended, would be the imposition of a penalty on a poor man, for in the end all the compensation that might be awarded to him would be swallowed up in law costs. He should much prefer to establish a Court on the basis of the Landed Estates Court, and to give it entire jurisdiction in cases arising under this Bill; and the expense of such a Court would, he believed, be less than the cost of the procedure contemplated by the measure. Until the first year had passed, and it had been ascertained what amount of business was likely to arise under the Bill, he would not appoint any other Judges than the two who now presided in the Landed Estates Court; for his opinion was, that there would not be many cases, as he thought that landlords and tenants would try to work pleasantly together and make their own bargains. Under the Bill power might be taken to appoint the existing Judges, of whom it was generally thought in Ireland that there were too many; from them a selection could be made of Judges who should go on circuit, and they would form a tribunal in whom all parties would have full confidence. He moved, in page 10, to leave out lines 24 and 25, and insert "a Judge of the Landed Estates Court."

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, that since his hon. Friend mentioned this matter to the Committee at a former sitting it had received the careful consideration of the Government, and they had come to the conclusion that they could not accept the Amendment. His hon. Friend had, he thought, exaggerated the case as regarded the Civil Bill Courts, because, as a commercial man, he had not had experience of those tribunals, in which the costs were not so heavy as had been suggested. So far from their inflicting penalties on the suitors, they were really very cheap Courts, for the scale of fees allowed to practitioners in them was very low; and he knew that in some of the heaviest cases in which they had been called upon to adjudicate the costs had not exceeded £2. Again, not only were the Courts cheap, but they were also efficient; and the assistant barristers who presided in them would bear comparison with other Judges who had to discharge similar duties and were in receipt of like emoluments. It was a great advantage that they were practising barristers, as they were thereby enabled to learn the law day by day, and add to the knowledge of it which they had acquired when younger. He could not agree in the assertion of his hon. Friend that the Irish Judges had much time at their disposal; on the contrary, they had as much work to do as the English Judges, and he could not believe that they had any time to devote to carrying out the objects of this Bill, as proposed by the hon. Member. As to the Judges of the Landed Estates Court, there were at present only two, and he was sure they were well worked. The assistant barristers, on the other hand, were well acquainted with the counties in the Courts of which they presided, and with the manners and customs of the people; while to their existing business the Bill would add only a few cases at each sessions, so that they would not experience so much difficulty in getting to work as would be felt by a new Court. He hoped his hon. Friend would withdraw the Amendment.

MR. CORRANCE said, he derived but poor consolation from the nature of the legal machinery by which the Bill was to be administered. Hitherto, questions had been met by the statement that the Court would decide them; but the constitution of the Court did not, as it ought to do, inspire full confidence, even on the Ministerial side of the House. He had made a note of the variety of functions the Court would have to discharge, and amongst them were the following:—to define the Ulster custom, the nature of the disturbance to the tenant, what were permanent buildings, the reclamation of land, the duration of holdings, the disposal of tenants' interest, the diminution of the value of the land, the state of cultivation, time bargains, the settlement of the amount of rent, the equity of titles and of leases, unexhaustible manures, and tillage. Now, how the Judge of the Court, who he supposed would be a barrister of 10 years' standing, would be able to satisfy the public requirements upon all those different questions, he (Mr. Corrance) was at a loss to understand. As yet the Civil Bill Court had taken cognizance only of issues involving the sum of £40, and in some cases £100, and now it was proposed to confer upon it these extraordinary powers. This was a Bill for the pacification of Ireland, and we were seeking to pacify it through lawyers, who perhaps made as many quarrels as they settled.

Mr. CHICHESTER FORTESCUE said, the hon. Member seemed to think that the barristers were to decide these various questions out of their own consciousness; whereas these were questions of fact which would be decided upon evidence, and with an amount of local knowledge which would give weight to the decisions; while upon questions of a professional character they would have the assistance of first-rate valuators.

Mr. SHERLOCK expressed his confidence in the ability and competence of the Judges to discharge all the duties imposed on them.

Mr. OSBORNE protested against this practice of lawyers getting up in that House to praise one another, on the principle of—"You scratch me I scratch you." The assistant barristers of Ireland were very much like assistant barristers elsewhere, and neither better nor worse. If they were to admit the arguments of the hon. Member for East Suffolk (Mr. Corrance) against the competence of the Court in question to deal with the various questions to be submitted to it, they might discredit their jurisprudence on every point. From the objections made by the hon. Member it would appear he thought that Mr. Law, who wrote upon the properties of superphosphate of lime, and Mr. Thorley, who manufactured a peculiar food for cattle, were the more competent to judge of such matters than the assistant barristers in Ireland. His (Mr. Osborne's) experience of cheap law was that it was not only most nasty but most expensive; because in Ireland there were a class of attorneys with small heads, who would undertake any case on the chance of getting a favourable verdict. The only thing he feared was, that under this Bill there would be a great deal of cheap law, which would burden its harmonious administration. With regard to the scheme of the hon. Member for Bandon (Mr. W. Shaw), which was of a very extensive character, he (Mr. Osborne) thought the Legislature had better try what they could do with these assistant barristers. If the attorneys could be kept quiet, the Bill would work harmoniously —and he was strongly of opinion that, so far from this Bill being a useless one, it would be one of the best Bills ever brought forward for the good of Ireland.

Lord CLAUD HAMILTON said, the objection to the proposals of the Bill was, that it would saddle these barristers with totally new duties, which their previous training and professional experience did not fit them to fulfil; and he believed that if they could be polled on the subject they would almost unanimously admit their want of qualification to deal with the important questions as between landlord and tenant which would arise under the Bill.

Amendment *negatived.*

Clause *agreed to.*

Clause 19 (Civil Bill Court).

Dr. BALL moved the insertion of words obliging the Judge himself to decide all questions of fact. He believed it was the intention of the framer of the Bill that the Judge should so decide all questions arising under the Bill; but unless the words he proposed were adopted, it might be contended that the Judge had the power of leaving questions of fact to a jury. In his opinion the Judge should be placed exactly in the position of an Equity Judge, and not in that of a Judge at *Nisi Prius,* with a jury. He therefore moved, in page 10, line 37, after "judge" insert—

"Provided that the judge of the Civil Bill Court shall himself, without a jury, decide any question of fact arising before him in such cases."

Mr. M'MAHON said, it did not follow that, because the assistant barrister was able to decide questions of law he would be able to decide complicated questions of fact, as to which he had no special knowledge or fitness. These were points which ought to be settled by a jury. He hoped the Government would not agree to the Amendment of the right hon. and learned Gentleman.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he did not think the right hon. and learned Gentleman would be acting wisely to press his Amendment. In 14 & 15 *Vict.* c. 57, s. 100, there was a provision that in all cases, except ejectment, the parties themselves might have a jury if they wished it. Again, the Lord Chancellor, if difficult questions of fact arose in a case before him, might summon a jury to decide them, and he thought that in this case the Judge should have the power to call in a jury or not, at pleasure.

Mr. BRUEN said, that jurors in Ireland were all so intimately connected with the land that it would be impossible to get together an impartial jury to decide the questions of fact arising under the Bill. He therefore thought the assistant barrister should be alone responsible.

Dr. BALL said, he thought it would be a great misfortune that the Judge should be enabled to shift from himself responsibility. The persons who would have to act as jurors would not be men specially summoned for the purpose; and when, therefore, the assistant barrister wanted a jury he must take them from the bystanders who happened to be present, and who would, for the most part, be farmers. Now, no one would, he thought, maintain that a decision thus arrived at would be as satisfactory as that of an educated lawyer. Although in a large number of cases juries might be called for under the existing law in the Civil Bill Courts, yet, as a matter of fact, they were not summoned, and the decision was given by the assistant barrister himself. He admitted, at the same time, that where a question of damages was involved a jury formed a very good means of assessing them; but that was not so when mixed questions of law and fact had to be decided. He would not, however, press his Amendment in opposition to the views of the Government at a time when few Members were in the House.

The ATTORNEY GENERAL said, he agreed with the right hon. and learned Gentleman that a jury was not a good tribunal, where they had to deal with complicated issues of law and fact, and that consequently a jury would not be a good tribunal for determining the greater number of questions that would have to come before the Court. But what the Judge would in the present instance have to do would be to select an issue of fact, and submit it to a jury; and for a decision of that kind they were, he thought, the best tribunal, under the direction of a Judge, which could be found. The powers proposed by this clause were possessed by every County Court Judge in this country, though it was not often used.

Lord ELCHO maintained that in deciding the questions to which the Amendment related the sympathies of the jury, taken as they would be haphazard from the bystanders, would be entirely on the side of the tenant. To insure, therefore, the fair administration of justice and the proper working of the Bill, the decision, in his opinion, should not be left to them. The hon. Member for Kilkenny (Sir John Gray) had pointed out that if it were left to the Judge he would have to leave the Court to ascertain whether a particular improvement had or had not been made; but surely there could be no difficulty in his sending a person whom he could trust to procure the necessary information? He hoped the Government would re-consider the matter.

Mr. H. A. HERBERT said, as a landlord, he would prefer having the decision given by one man, such as the assistant barrister, whoever he might be.

Mr. CHICHESTER FORTESCUE observed, that the discretion which would be given to the assistant barrister in the cases in question was neither more nor less than that which he now exercised in cases of ejectment, which concerned matters relating to land as much as anything in the Bill, and involved as much interest, excitement, and difficulty. There was no reason for depriving the Judges by this Act of the power they now possessed.

Mr. G. B. GREGORY said, it was not a question of retaining the discretion of the barrister; but whether he should be able to escape from the responsibility which would otherwise attach to him, and which he ought to exercise.

Amendment, by leave, *withdrawn.*

Dr. BALL moved, in page 11, line 1, to leave out from "the," to "require," in line 8, both inclusive, giving power to appoint an assessor to each Judge. The assessor was to personally inspect the various matters in dispute that came before the Court, to report to the Judge, and to give his advice and assistance. He would be much in the position of a nautical assessor to the Judge of the Court of Admiralty. It was plain that the assessors having skilled knowledge, would be persons of far greater importance in the administration of justice in this part of the law than the Judges.

He had himself seen the way in which the nautical assessors of the Court of Admiralty embarrassed the Judge by setting down particular points as nautical, and therefore without the province of the law, and subject only to their opinion. But not only would the appointment of an assessor be inconvenient to the Court, his interference would also be unsatisfactory to the people. No one in Ireland would submit to have a case decided by a person not a barrister and perfectly irresponsible, whose views, however, erroneous, being on questions supposed to be peculiarly within his province and practice, could not be controlled by the Judge nor appealed from to a superior Court. Besides, he doubted whether the Government would be prepared to pay a salary such as would be necessary to obtain a high class of persons to discharge the duty. It would never do to appoint as assessors men who were in the habit of earning their living among those between whom they would have to assist in adjudicating. It would be necessary to lift them above such a position by the payment of a reasonable salary. He also thought that it would not be satisfactory to the people to have their disputes decided by such influence as an assessor would exert on the Judge, for his influence would be in the nature of private communications, not of evidence given in public and tested by cross-examination. If the jurisdiction of the Judge were to be exercised in a manner to give confidence, his judgment must follow upon evidence given in open Court and tested openly, and upon grounds which could be taken to a higher tribunal and again tested, without regard to the opinion of any valuators but such as were examined in open Court on the part of the litigants.

Mr. M'CARTHY DOWNING said, he was bound to concur in the expediency of this Amendment. Chairmen of quarter sessions decided civil cases in which £100 was in dispute and heard motions for ejectment without the assistance of assessors. Valuators, as far as his experience went, were as a class by no means competent for the duties the clause contemplated; and he had known very incompetent persons sent from Dublin to value land with a result very unsatisfactory to those concerned. Moreover, they would not be competent to advise the Chairmen; because, although they might know the value of land in one county, they would not be able to form an opinion upon land in another, and he defied a stranger properly to estimate the value of land reclaimed, as compared with what it was before reclamation.

Mr. SYNAN said, he regretted he could not join his hon. Friend in support of the Amendment. The Amendment was based on the assumption, which in his opinion was wholly unfounded, that the Government would not appoint competent and fully qualified persons.

Sir ROUNDELL PALMER said, he thought it was very important that the functions of the witnesses, the jury, and the Judge should be kept distinct; but there was considerable danger of their being all confounded together, if a valuator were appointed in the precise manner proposed by the clause. It was worth consideration, on the part of the Government, whether it would not be better to leave the whole matter to be dealt with in the ordinary course of evidence.

The O'CONOR DON concurred in the objection that the valuator would, to a certain extent, become the judge of the case, and he did not think it probable that such a salary would be attached to the office as would entice men whose judgment could be implicitly depended upon. It was proposed to appoint 32 of these valuators—one for each county—but if they received salaries which would place them above all suspicion of being got at by interested parties, the aggregate sum required would hardly meet with the approval of the Chancellor of the Exchequer. If, on the other hand, their salaries were not fixed, they would be regarded with suspicion by both landlord and tenant, and, moreover, would be open to a species of corruption as yet unknown in this country among persons holding judicial positions.

Lord ELCHO presumed that the right hon. Gentleman the Chief Secretary for Ireland had considered the question of salary, and that these gentlemen would be tolerably well paid. As their efficiency depended on their being above suspicion, their salaries would doubtless be high; and he therefore wished to know, what decision had been arrived at on this point?

Mr. M'MAHON said, that irrespective of salaries, he hoped the Government would accede to the Amendment. A valuator of this kind would be a most pernicious person in the administration of justice. He was to hold office during the good pleasure of the Lord Lieutenant, and would be required to state privately to the assistant barrister which side ought to be credited. If he resided in the county, it would be said that he was subject to undue influence, while if he were non-resident, he would be unable to make himself acquainted with the particulars of each case, as he could not, during the sessions, minutely inspect 40 or 50 different homesteads and farms. It was far more satisfactory to have questions of fact decided by juries than by Judges. If a jury went wrong, it was dismissed for good; whereas, this valuator, being always present, might permanently mislead the barrister, and make him give decisions which he would not have given, if he had been guided solely by the evidence adduced by the parties.

Mr. CHICHESTER FORTESCUE said, he could not assume, with his hon. and learned Friend (Mr. M'Mahon), that the sole function of this officer would be to mislead the assistant barrister. The sole object of the Government was that which was common to both sides of the House—namely, to provide the assistant barrister with professional advice, so as to facilitate his coming to a just conclusion. The Government had, however, been very anxious to hear the opinions of both sides of the House on a thoroughly practical question of a very difficult kind. After listening to all that had been said, the Government were of opinion that the balance of argument was against the appointment of these officers. The Government, therefore, thought the best course would be to omit the appointment of these officers from this part of the Bill at all events, reserving to themselves the liberty of carefully considering the question at a later stage.

Mr. C. S. READ suggested that the assistant barrister should be empowered to call in the assistance of a practical man occasionally.

Amendment *agreed to.*

Mr. BRODRICK said, the object of the Amendment he had placed on the Paper was to give original jurisdiction to the Court of Appeal in cases of a certain class or which involved a certain amount of money. Under the 14 & 15 *Vict.* c. 57, the jurisdiction of the Civil Bill Courts was restricted to £40 even in such common cases as an action on a promissory note, or for goods sold and delivered, which were easily tried, and in which no suspicion of unfair dealing was likely to arise. But this Bill contained a clause which had been already passed to enlarge that jurisdiction, and the Judges were also empowered to decide a number of interesting points which had been enumerated by his hon. Friend the Member for Sussex (Mr. G. B. Gregory), although no guarantee was given that the standard of the tribunal would be raised. It might, indeed, be said that there would be a right of appeal against their decision; but no lawyer would maintain that a case carried up for appeal was at all similar to one which was tried by a Court under its original jurisdiction. Appeals would be on questions of fact and discretion; and, under such circumstances, there would be the greatest possible indisposition to overrule decisions appealed from. The suitor, therefore, would be in a far more disadvantageous position than if it were possible for him, after proper legal notice in the first instance, to remove the case to the Court of Appeal. He subscribed, as a general rule, to the opinion of the excellence of the Assistant Barristers' Court as now existing; but there were exceptions in which appointments had been made made from political motives, and which did not command that respect, or carry that weight, which the public were fairly entitled to expect from them. The Assistant Barristers' Courts had not that safeguard which attached to many Courts in the country and to the Superior Courts in Ireland. Every learned Gentleman knew that if a Court should be unfortunately weak, that which aided it and guided it to a sound decision was a careful and competent Bar practising before it. Necessarily, from the circumstances of the country, those who practised, and must continue to practise, before these tribunals would be composed almost entirely of the little local attorneys practising in the country towns —a race of men whom he did not hesitate to describe as the curse of the country, and who pandered to the passions and prejudices of an ignorant people—and it was from such a class of practitioners we must expect the main difficulties and main dangers of this Bill to come. He had a strong repugnance to the tendency to litigation throughout the Bill. The object of his Amendment was to give the option to either party of taking the opinion, by way of original jurisdiction of the Court above, without having the case tried in the Civil Bill Court, to which naturally it would be attached. He moved, in page 11, after line 8, to insert—

"Provided always, That wherever any claim made under this Act shall exceed the amount recoverable by civil bill process in matters of contract under the Acts for the time being in force in that respect, it shall be lawful for either party, by notice to be served three clear days at the least before the first day of sitting of the Civil Bill Court at which such claim is about to be tried, to remove the case at once into the Court hereinafter provided for appeals from such Civil Bill Court, there to be so tried as if such case had been commenced in such Court of Appeal."

Amendment, by leave, *withdrawn.*

Dr. BALL moved an Amendment designed to give the tenant additional security. He wished to give the Judge power to charge the estate instead of the landlord, because the landlord might be an absentee, or only a tenant for life, and if he should die the day after the order was made the tenant would have no one from whom to claim his award. Besides this, he urged his Amendment in justice to the tenant for life. Ejectment was resorted to, generally speaking, with a view to improve the estate, and if a tenant for life resorted to ejectment with this object, he would make himself liable to seven years' rental, while the benefit which would accrue to the estate would be benefit to the remainderman instead of himself. He concluded by moving, in line 18, after "chairman," to insert—

"And it shall also be in the power of the chairman to declare the moneys awarded by any such orders to be paid by the landlord a lien or charge upon the holding in respect of which the claim shall have arisen, whether such holding shall be transferred to a new tenant or resumed by the landlord."

Mr. SYNAN said, the words ought to be "the landlord for the time being," because the Amendment was intended to operate on the remainderman.

Mr. M'MAHON said, it would not be fair to charge the estate, and perhaps the remainderman, for a wrong done by the tenant for life; he would, however, have no objection to the Amendment if it made the charge for compensation a lien on the estate in the case of a tenant in tail.

Mr. G. B. GREGORY regarded the Amendment as unfair to the remainderman. He hoped it would be withdrawn.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he thought they ought not, without further consideration, to adopt a proposal which would have the effect of prejudicing the estate of the remainderman, by making him liable for payments made without his consent, and possibly even without his knowledge.

Dr. BALL said, he was afraid that the Bill would press very severely upon tenants for life; but he would not press the Amendment.

Amendment, by leave, *withdrawn.*

Clause, as amended, *agreed to.*

Clause 20 (Appeal from Civil Bill Court).

Dr. BALL, with a view to increase the number of the Judges who were to constitute this Court, proposed to add the Vice Chancellor and the three chiefs of the Common Law Courts. He did not, of course, make it incumbent upon them to sit; but there was no reason why the duty of presiding over this Court should be restricted to the Lord Chancellor and the Master of the Rolls. He, therefore, proposed to leave out from "Rolls," in page 12, line 21, to "Exchequer," in line 23, both inclusive, with a view to insert "the Vice Chancellor and all the Judges of the Common Law Courts."

Mr. CHICHESTER FORTESCUE observed, that the matter was one well worthy consideration, and one upon which the opinion of the right hon. and learned Gentleman opposite was deserving of attention. They had intended, in framing the Bill, that there should be an equity element in the Court, and they thought that element had been sufficiently provided for by introducing the two first Judges in equity. The Chiefs of the Common Law Courts had been omitted because it was felt that they already had plenty to do. The Government, however, had no objection to the right hon. and learned Gentleman's Amendment.

Amendment *agreed to.*

Dr. BALL proposed, in line 25, after "Rolls," to insert "or the Vice Chancellor or one of the Chief Judges of the Common Law Courts."

Amendment *agreed to.*

Mr. M'MAHON proposed to insert words giving an appeal to the House of Lords. It might be said that the more appeals there were, the more expense was imposed on the tenant; but it was entirely in the interest of the tenant that he wished to give this appeal. Hitherto the Irish Judges had persistently refused to adopt the views of the English Judges with regard to agricultural usages modifying contracts, except, as he was informed, in one instance in which Chief Justice Whiteside had ruled in favour of this principle. The consequence of this refusal of the Irish Judges to enforce agricultural customs might be seen in the wretched condition in which Ireland had long been. It might be asked what would a tenant do if there was an appeal to the House of Lords? How could he afford to carry his case before so expensive a tribunal? Of course, it would be only in very important cases that this should be done, and then all interested might club the expenses. It was unfortunate that no case with regard to agricultural customs in England had been carried to the House of Lords, as their decision would be binding on the Irish Judges, who declined to follow the ruling of their English brethren in this matter. The manner in which he had worded his Amendment would prevent its being used for vexatious or insufficient purposes, and he hoped that the Government would adopt it. He begged to move, in page 12, line 30, at end add—

> "And any person aggrieved by the judgment of the said Court for Land Cases Reserved, may appeal therefrom within the prescribed time and in the prescribed manner to the House of Lords; but such appeal to the House of Lords shall be only on matters of law or equity, and on a special case to be approved and certified by one of the Judges of the said Court for Land Cases Reserved, whose determination on the settlement of such case shall be final and conclusive."

Mr. G. B. GREGORY said, no one had greater respect for the appellate jurisdiction of the House of Lords than he had; but he thought there were already a sufficient number of appeals allowed under the Bill. First of all, there was an appeal from the assistant barrister to two Judges of Assize, and then an appeal from them to the Court for Land Cases Reserved in Dublin. Great pains had been taken in the Bill to insure a full and sufficient Court for the trial of these cases, as the Court was to consist of five Judges, one of whom must be the Lord Chancellor, Vice Chancellor, one of the Chief Judges of the Common Law Courts, or the Master of the Rolls. He did not know whether the hon. and learned Gentleman was as well acquainted as he was with the expense of carrying an appeal to the House of Lords. There was an old rule—*ut sit finis litis*—which it was most desirable to observe not only in this case, but in all others. The Courts of Appeal provided by the Bill were quite sufficient, and it would be for the benefit of all parties to rest satisfied with their decision.

Mr. SHERLOCK said, it had been objected to that Bill that it would involve the people of Ireland in litigation, and it had been alleged that when it passed it would be necessary for every landed gentleman to keep an attorney. The Mover of the present Amendment proposed to extend the area of such litigation by giving an appeal to the House of Lords in any case involving a question of law or of equity, which, in point of fact, almost every case did. The clause, as already amended at the instance of the right hon. and learned Member for the University of Dublin (Dr. Ball), provided that the tribunal to determine those questions should be the Judges of the Courts of Common Law and Equity in Ireland; and thus they would have the collective wisdom of all the Irish Judges to decide those points, arising between poor and rich, and between tenants and landlords, in which the landlord, if so disposed, could, by the aid of his long purse, protract the litigation, to the great injury of the tenant. Under those circumstances, he thought a further appeal to the House of Lords would be most mischievous, and even where the poor man might happen to succeed before that tribunal an appeal to it would be his utter ruin. The general sense of the Irish Members was therefore, he believed, opposed to that proposal.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he hoped his hon. and learned Friend would not press the Amendment.

MR. M. CHAMBERS said, he thought the Amendment singularly inopportune, inasmuch as at this very moment Englishmen were canvassing the merits of the House of Lords as a Court of Appeal, and seriously doubting whether it was the most admirable tribunal they could have in the last resort.

Amendment *negatived.*

Clause, as amended, *agreed to,* and *ordered* to stand part of the Bill.

Clause 21 *agreed to*, with Amendments.

Clause 22 ("Limited Owner").

MR. W. M. TORRENS said that, in 1852, a Bill had been prepared by the late Mr. Sharman Crawford and himself, by which they endeavoured to give some protection against arbitrary evictions in the case of properties sold under the Encumbered Estates Court. But the time for tenant-right legislation had not then arrived, and it was rejected on the second reading. One of the most remarkable passages in the speech of the Prime Minister on introducing his Bill was that in which he expressed his regret that something of this sort had not been done, and he referred in proof to the misery inflicted by the reckless clearances effected by new purchasers. He was now able to state on the best authority that during the course of the last 16 years property to the extent of £40,000,000 had been disposed of by the Court, and that this property when sold was occupied by no less than 88,000 tenants. When, by the operation of the law of 1850, they severed the ties between the owner and the occupier, they might be said to have established an equitable claim on the part of the occupier to statutable protection. He proposed by his Amendment,

> "To empower the Landed Estates Court, after decree of sale, to grant to any solvent tenant in possession a lease for thirty-one years, in such form and with such covenants as the Court might deem fit; the property to be sold subject to such lease; and further to empower the Court of Chancery to grant similar leases."

The hon. Gentleman said, that acting on the suggestion of the Chairman, he would not move his Amendment now, but would propose it in the shape of a proviso at the end of Clause 24.

Clause *ordered* to stand part of the Bill.

Clause 23 (Agreement by limited owner).

MR. G. B. GREGORY moved, in page 14, line 18, after "date," insert—

> "Provided, That no such order shall be made by the Court unless notice of the application for the same shall have been given in the prescribed form to the person for the time being entitled to the first estate of inheritance, if any, expectant upon the determination of the estate of the limited owner, or if such person shall be a married woman, infant, or lunatic, to his or her husband, guardian, or committee respectively, and also to any mortgagee or registered incumbrancer upon the land on which such order is to take effect."

The object he had in view was, that before the Court made an order notice should be given, at all events, to the person who was entitled to the next estate. It was a common principle in any Court of Law that the person claiming the next estate of inheritance should be represented before the Court in any question dealing with it, and it was upon that principle that he proposed this proviso.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he was quite willing to adopt the Amendment down to the word "respectively;" but he did not think there was any necessity to give notice to any mortgagee or registered encumbrancer, because the next Amendment, which stood in the name of his right hon. Friend the Chief Secretary, would make the annuity subject to all such charges.

MR. G. B. GREGORY amended his Amendment by leaving out all the words after the word "respectively."

Amendment *agreed to.*

Clause, as amended, *agreed to,* and *ordered* to stand part of the Bill.

Clause 24 (Power of limited owner to lease).

MR. SYNAN moved, in page 14, line 23, after "grant," insert "building and." The object of this Amendment was to give power to limited owners to have building leases as well as agricultural ones. Several towns in his county were going to ruin for the want of such a power as that which he sought to include in the Bill.

MR. PIM supported the principle of the Amendment, the adoption of which he considered very desirable indeed. In the next clause the Government proposed to sanction advances to landlords for the improvement of waste lands; but there was no way of carrying out that improvement which was comparable to the granting of leases of this kind. It was far more important to grant the power of making leases of this kind than to grant the public money. He suggested that leases of unreclaimed land should be for 60 years, and of land for building purposes for 150 years, on the condition that, in the former case, five years' rent, and in the latter case 20 years' rent, should be expended upon the property.

Mr. CHICHESTER FORTESCUE said, he did not desire to say anything on the merits of the question in opposition to the opinions expressed by hon. Members who had just spoken; but he was glad to take the earliest opportunity of stating the view of the Government as to the proposals now made, and as to Amendments on the Paper dealing with the subject of leasing powers, and Amendments of the Lands Improvement Acts of Ireland. The Government fully recognized the importance of these questions, and were strongly of opinion that the present state of the law required amendment. It was, however, very advisable not to attempt too much by the present Bill, and it would be far better to reserve those matters to be dealt with on another occasion. The Bill as it stood covered a very large extent of ground, quite enough for the present purpose of Parliament, and it was not desirable in the interest of the success of the measure itself to enlarge its scope. All the proposals to which he had adverted deserved the best consideration of the Government and the House, and nothing he now said referred to the merits of the case, but merely had regard to the prudence of introducing these matters into a Bill which already covered sufficient ground. Their policy was founded on the old paradoxical maxim—"They are fools who do not know how much more the half is than the whole."

Dr. BALL pointed out that an Act of Parliament, passed in 1860 for the purpose of extending leasing powers, enabled limited owners to grant agricultural leases for 21 years, improvement leases for 42 years, and building leases for 99 years, in the latter cases with certain judicial consents. That Act had not been much used, and one provision, enabling the Landed Estates Court to give any term they thought necessary, seemed to have been almost entirely overlooked. He knew a case in which that portion of the Act had been used to obtain long leases in a town where it was thought important to encourage building; but that was the only instance of which he knew where this power had been exercised. No doubt an objection could be raised on the ground of the expense involved in going to the Landed Estates Court; but he wished to show that more powers already existed in this matter than was generally imagined.

Mr. CHICHESTER FORTESCUE agreed with the right hon. and learned Gentleman in thinking the Act to which he had alluded an excellent one, if it would only work. He thought a Bill ought to be introduced at an early period to amend the Act, so as to make it work.

Mr. SYNAN said, he did not think, after what had fallen from the Chief Secretary for Ireland, that his Amendment ought to be negatived, and therefore he would withdraw it for the present.

Amendment, by leave, *withdrawn*.

Mr. WREN-HOSKYNS proposed, in line 25, after "fixed periods," to insert, "or for the life of the lessee." The object of the Amendment, he said, was to provide leases for the tenant's life. Such leases greatly encouraged agricultural improvements by giving a sense of security. They also had the advantage of not going to executors in case of the tenant's death, while they were not liable to be assigned like leases for a term of years, and they prevented sub-division. If the object of the Bill were to produce a good feeling between the landlord and the tenant, he could not imagine anything better adapted to that end than the consciousness that the tenant should have a life interest in his farm. If the Government objected to the Amendment he would not press it.

Mr. CHICHESTER FORTESCUE said, he was not an enthusiast in favour of leases for life; but he would not go into the question, inasmuch as the hon. Member had admitted that his was one of the proposals which he (Mr. C. Fortescue) had already said ought, in the interests of the measure, to be excluded from consideration. On that ground only he requested the hon. Member not to press his Amendment.

Dr. BALL said, he did not see how this proposal would embarrass the Government or interfere with the Bill. He thought there were many considerations in favour of a lease for life. The landlord would, of course, know that a person to whom he was giving it was an industrious and skilful farmer; and he would have the satisfaction of knowing that he had made a wise and prudent choice. After the tenant's death he would be able to make other arrangements; and if it was advisable might give it to the person whom the farmer himself proposed. He thought the tenant also would prefer this arrangement, as every man, whatever his age, still fancied that a life interest was better for him than any term of years.

MR. GLADSTONE said, the authority of the hon. Gentleman who introduced the question was so great on all subjects connected with land tenure that one hesitated to differ from him. But the reasons against the adoption of the clause were manifold. The right hon. and learned Gentlemen (Dr. Ball) might not see any objection to the introduction of this proposal into the Bill, but there were many others who did, and therefore the bringing forward of this question imported a new subject for debate at a stage when time was exceedingly precious. Another reason against the introduction of this proposal was the effect it would have upon the 3rd clause of the Bill, as there would be, he thought, a difficulty in reconciling the Amendment with the principles which the Committee had sanctioned. Already the Bill was sufficiently laden with matter, besides which the Amendment was inappropriate on account of the difficulty of arranging it so as to correspond with the essential point of the Bill—namely, that relating to damages for eviction.

MR. WREN-HOSKYNS said, he had felt there was some little inconsistency between his Amendment and other clauses of the Bill, though he did not think they were insuperable. He should not, however, press it.

Amendment, by leave, *withdrawn.*

MR. SYNAN moved, in line 34, to leave out all from "rent," to "him," in line 37, and insert—

> "The value of the holding arising from any improvements executed by the tenant shall be expressly excluded."

The principle of the Bill was, he said, that all improvements made by a tenant should be his property, and if they were to deprive him of their value without payment—in other words, if they were to raise the rent in consequence of these improvements so made by him, they would be doing a gross injustice.

MR. CHICHESTER FORTESCUE reminded the hon. Member that this clause applied to agreements for leases between landlords and tenants, and contended that the Amendment would impose a condition which was inconsistent with the principle on which the clause was founded.

SIR JOHN GRAY said, it was distinctly declared in the Bill that the improvements by a tenant were to be his property, and it was clear that that fact ought to be regarded when the prolongation of a lease was agreed on.

SIR ROUNDELL PALMER said, the adoption of the Amendment would make the clause inoperative, for that which was not expressed could not be expressly excluded. The clause on the subject of improvements expressly said that on the termination of a lease for 31 years the tenant should not be entitled to any compensation in respect of any improvements except permanent buildings and reclamations of land; so there were certain improvements in respect of which he would, and others in respect of which he would not be entitled to compensation; and this clause would not in the least affect his claim to the value of improvements, because it went simply to the question of annual rent.

MR. SYNAN said, his object was to have it stated in the lease that the rent was exclusive of tenants' improvements, and to make the lease void without such statement.

Amendment *negatived.*

Amendments made.

MR. W. M. TORRENS moved the addition to the clause of the Amendment he had previously withdrawn—namely—

> "So as to empower the Landed Estates Court, after decree of sale, to grant to any solvent tenant in possession a lease for thirty-one years, in such and with such covenants as the Court may deem form fit, the property to be sold subject to such lease, and further to empower the Court of Chancery to grant similar leases."

MR. CHICHESTER FORTESCUE said, this was a proposal of interest and importance, and it had the high authority of Judge Longfield, who gave evidence in support of it before a Committee some years ago, and had recommended it since. He (Mr. C. Fortescue) was far from saying that the proposal was not worthy of consideration; but he was not at all clear that it was a question which ought to be dealt with by this Bill; and, at all events, it would be impossible to deal with it in this part of the Bill. The Amendment could not be adopted as part of the clause before the Committee, because the clause dealt only with limited owners, and the hon. Member's proposal, if it were applied at all, must be applied to all owners. Therefore it could not be adopted at this stage; but if it were brought up as a separate clause it would be carefully considered by the Government.

Amendment *negatived.*

MR. W. M. TORRENS gave Notice that he would bring up a new clause to carry out his views.

Clause, as amended, *agreed to.*

Clauses 25 and 26 *agreed to.*

Clause 27 (Rules for carrying first part of Act into force) *agreed to,* with consequential Amendments.

Clause 28 (Application to Board of Works for sale of holding).

MR. CHICHESTER FORTESCUE said, the Amendment he now proposed was one of a series which involved no change of principle in this part of the Bill, but would, he thought, improve the machinery and make it more thoroughly consistent with the principle already adopted. In the main the object in view was to call for the intervention of the Board of Works only in cases in which parties desiring to purchase applied to the Board for an advance of public money. On all questions of title the Board would not intervene, nor yet in cases in which an application was made under the Bill to purchase a holding without applying for an advance of public money. His Amendment would exclude the Board of Works in Part II. of the Bill; but it would be brought in in Part III. He moved in page 16, lines 25 and 26, to leave out "Commissioners of Public Works in Ireland, in this Act referred to as the board, for the conveyance," and insert "Court for the sale."

Amendment *agreed to.*

Further consequential Amendments *agreed to.*

Clause, as amended, *agreed to.*

Clause 29 *agreed to.*

Clause 30 (Sale of holding by Board).

MR. CHICHESTER FORTESCUE said, that the word "Court" for the purpose of carrying out this part of the Act would be held to mean the Civil Bill Court, or the Landed Estates Court. The intention was not to confine these clauses to the latter Court, but to enable the Privy Council to make rules which, if they thought proper, would bring such cases as those with which the Committee was now dealing before the Civil Bill Court under such restrictions as might be laid down. The right hon. Gentleman concluded by moving the omission of the commencement of the clause up to "with" in line 14, and the insertion in lieu thereof of the words "upon any application of an advance as aforesaid.

DR. BALL said, that to give the power of the control of a sale to a tribunal like the Civil Bill Court appeared to him to be extremely objectionable. He should be quite contented to give it to the Landed Estates Court, which possessed all the requisite machinery for the purpose, which the Civil Bill Court did not. To confer such a jurisdiction as was proposed upon the latter, would create the utmost alarm among the money-lenders throughout the country. Let the Committee imagine an English capitalist being told that he must take into account that his mortgagor could sell every inch of his property behind his back and without a shadow of a record. He, for one, was entirely opposed to power being given to the Chairmen of quarter sessions to decide upon a sale as well as the application of money connected with that sale.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) replied that if hon. Gentlemen on the opposite side of the House were very much alarmed as to the operation of the clause they certainly did not look so. If the Committee would refer to page 19 they would find these words, that—

> "For the purposes of this part of the Act 'the Court' shall mean the Civil Bill Court or the Landed Estates Court, according as one or the other of such Courts may be prescribed."

It was of great importance to decide by what Court the case should be heard. If the amount in dispute were small it would be very hard to drag the parties into the Landed Estates Court, where the expenses would be heavy. His right hon. and learned Friend would see on reference to another part of the Bill that the Privy Council, of which body he was himself a Member, was empowered to determine which Court should have jurisdiction. The Privy Council might draw up regulations to the effect that cases relating to small properties, say to the extent of £100, should be referred to the Civil Bill Court, and others to the Landed Estates Court. Indeed, they might even decide that no cases whatever should come within the jurisdiction of the Civil Bill Court.

Mr. G. B. GREGORY said, he thought it would be better for Parliament itself to settle this point instead of leaving it to the Privy Council in Ireland. He supposed that cases of small amount would go into the Civil Bill Court; but a whole estate might be alienated in small amounts. The Civil Bill Court was a most unsatisfactory tribunal to deal with such matters. This Court was to decide on the sufficiency of the purchase money, but really it possessed no machinery by which to do this.

Mr. GLADSTONE submitted that the discussion was premature, as it was not competent for the Committee to introduce the desired change into this clause.

Dr. BALL admitted that was so, but remarked that as this was the first of a series of Amendments, he wished to have an explanation from the Government on the subject. It was important to know what tribunal was to be substituted for the Board of Works in Ireland.

Amendment *agreed to.*

Clause *ordered* to stand part of the Bill.

Clause 31 (Payment of purchase money).

On Motion of Mr. Chichester Fortescue, clause *struck out.*

Clauses 32 to 36, inclusive, *agreed to.*

Clause 37 (General powers of Court and Board in conduct of sale of land).

Dr. BALL proposed that the words "Civil Bill Court" should be omitted. The owner of a fee-simple estate wanted neither Civil Bill Court nor Landed Estates Court to enable him to sell his reversion expectant upon the lease to the tenant; the clause, therefore, applied specially to limited owners and to persons under disability to sell. It was an indispensable condition in any proceedings of that character that the purchase money should be received by and remain within the mastery of the Court. But in the case, for instance, of purchase money governed by the trusts of a settlement, how was this purchase money to be held by the Chairman of a county, to whose credit was the money to be lodged, and how and when? Again, was the Judge of the Civil Bill Court to be called upon to exercise functions to which he was a stranger, to act as a conveyancer, to order searches, and to write upon the title? There were very few settled estates which were not encumbered, if not with mortgages, at least with provisions for younger children. See what difficulties, what intricate equities might arise as to the proper application of the purchase money. He earnestly pressed the Government not to give such extensive powers to the Civil Bill Courts. It was not fair to the Chairmen. He was not reconciled to the proposal because the Privy Council was to make the rules under which the Civil Bill Courts were to act. He hoped the Government would not insist on applying this jurisdiction to the Civil Bill Courts. He moved, in line 37, to leave out "the Civil Bill Courts or."

Mr. SHERLOCK said, he had no doubt the Civil Bill Courts would admirably discharge the duties legitimately imposed on them by the Act; but this clause, as it stood, would involve them in matters which they had no machinery to work out. The Civil Bill Courts had no records, and no place to preserve muniments or titles. These questions should be reserved for that Court which had a full machinery, where there was a power to give a Parliamentary title to purchasers, and where the expenses would not be increased.

Mr. W. H. GREGORY considered this a very serious matter. He had no doubt the Chairmen of quarter sessions would do their work well; but they had not the machinery for properly carrying out the duties which this clause would impose on them. He quite agreed with the right hon. and learned Member for the University of Dublin (Dr. Ball). Very great alarm would be created if the Civil Bill Courts were allowed to interfere in matters of this kind. It would be one of the most dangerous and prejudicial acts as regarded the property of the country if the 32 Chairmen of these

Courts were allowed to settle the distribution of the purchase money of an estate. It would not only prevent money from going into the country, but would lead to the withdrawal of much that was there already. He believed the great object in giving this jurisdiction to the Civil Bill Courts was to enable them to effect sales at a reasonable rate to tenants; but that object might be carried out as economically with the machinery of the Landed Estates Court.

Mr. SYNAN said, he thought the Civil Bill Courts could effectually administer estates within rules laid down by the Privy Council.

Mr. AGAR-ELLIS said, he hoped the Government would give way on this point. The people of Ireland had far more confidence in the Landed Estates Court in this matter than in the Civil Bill Courts. He agreed with his hon. Friend the Member for Galway (Mr. W. H. Gregory) that proceedings in the Landed Estates Court might be made sufficiently cheap.

Mr. CHICHESTER FORTESCUE said, that seeing such singular unanimity on both sides of the House against this part of the clause, he thought it would be unwise on the part of the Government to resist. He would, therefore, accept the Amendment of the right hon. and learned Gentleman.

Amendment *agreed to.*

Clause, as amended, *agreed to,* and *ordered* to stand part of the Bill.

Clause 38 (Rules for carrying second part of Act into effect), amended, and *agreed to.*

House *resumed.*

Committee report Progress; to sit again *To-morrow.*

WOMEN'S DISABILITIES BILL—[Bill 31.]

(*Mr. Jacob Bright, Sir Charles Dilke, Mr. Eastwick.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Jacob Bright.*)

Mr. BOUVERIE, in rising to move that "this House will, upon this day six months, resolve itself into the said Committee," said: Sir, I do not think it was a proper mode of treating a Bill of this kind and of this importance by moving the Previous Question. I hold that if we disapprove of it, the more straightforward course is to meet it with a direct negative. I think that, in two or three respects, a false notion has been entertained by the House in regard to this Bill. In the minds of many hon. Members who have not paid much attention to the arguments bearing on the measure, nor to the circumstances in which it has been produced, nor to the views and aims of those who advocate it—especially out-of-doors—I believe much less importance has been attached to it than it really possesses. I look upon it as a Bill of the utmost importance; indeed, in its remoter operations and probable consequences if it forms part of the legislation of this country—and I hope it will not—I think it might be said to be even more important than the Irish Land Bill which occupies us so much this Session. It is fraught with serious consequences to all our social and domestic relations, and threatens danger to all that renders those relations happy and enjoyable. But even in reference to its immediate effect it is not unimportant. It proposes to make an enormous addition to the constituency of the country. The hon. Member (Mr. Jacob Bright) has told us that in some of our large towns—in Bath, for instance—more than one-fourth would be added by it to the present constituency, and in Manchester one-sixth. It has been stated in one publication connected with the movement, that the number of new voters which the Bill would enfranchise in Manchester is 10,000; but my hon. Friend now says it is 7,000. In Salford the number would be about 2,000; in the city of York it would add one-sixth to the existing electoral body, and in Newcastle one-seventh. That is a large increase to the present constituency of the country, and, therefore, the immediate effects of the measure are not without some importance to Gentlemen sitting in this House; because I apprehend if it becomes law it will be absolutely imperative on the Government to wind up the business of the Session, to dissolve Parliament, and proceed to a new election. That, I think, is a consequence which may not have occurred to the minds of many hon. Members who voted for the Bill. Another false notion on this subject which it is desirable to correct is, that this measure is one on behalf and for the advantage of women. Now I beg leave distinctly to take issue on that point, and to assert that it is not for their advantage or behoof, but that it will inflict a calamity and a curse upon them; and, what is more, the great bulk of the women of this country have the good sense to know it. For myself, I can say that it has not been my lot to fall in with one sensible woman who is in favour of it, and I have heard several hon. Members, who are themselves disposed to vote for it, say that their wives have entreated them not to support it on this occasion. Another thoroughly erroneous notion was started in the previous debate on this question. I refer to the suggestion of my right hon. Friend the Home Secretary that this is a matter on which the Government need have no opinion at all. Now, I think this is essentially one of those things on which they are bound to form an opinion, and to state it distinctly to this House. Of course, their opinion must be a well-considered and a conscientious one; and, whatever it may be, I should extend to my right hon. and hon. Friends on the Treasury Bench the credit of being influenced by perfect justice and fairness in coming to their conclusion. But I must protest, as an independent Member of this House, against a Government which is supposed to guide our legislation, to direct the course of business in this House, and which influences for weal or woe the councils of the nation—I must protest, I say, against their forming and expressing no opinion on a subject of this nature. I trust, therefore, we shall not again hear broached any such erroneous notion. Well, what does my hon. Friend the Member for Manchester propose to do? He says—"You have given the municipal franchise to women by the operation of the Bill you enacted last year, and I now beg you will be good enough to go a step further, and give the electoral franchise to single women and to widows, but not to married women." Now, I think the precedent set by the Act of last year was a very bad one. The clause was slipped in very adroitly, by my hon. Friend on behalf of his fair clients, in the course of the passage through Committee of a Bill that had no direct connection with the subject, excepting that it related to municipal elections. There was no real debate upon his clause. No one particularly noticed it at the time it was proposed; it was adopted almost without any discussion; and, in common with others, I own I very much regret that it was passed. But the fact that the House went to that extent is no reason why we should go further. If we do so, it will be made an argument hereafter in favour of our going still further. My objection to the direct proposal of my hon. Friend that women should have a vote at Parliamentary elections is, that it would plunge them into all the trouble, turmoil, heat, and annoyance incidental to contested elections. The roughest work that any of us have, is that which we perform at those elections, and no one who has experienced it can say it is agreeable work. Supposing this Bill becomes law, how are candidates to bring themselves and their political opinions under the notice of the fairer portion of the constituency? There are three modes by which a candidate can seek the votes of his constituents. Firstly, there is that of the nomination day, but I need not say anything of that, because I suppose it is at an end. Another mode is by speechifying at public meetings; and the third is by canvassing carried on by either the candidate himself or his committee. Is it intended that the unmarried women of England, with that delicacy of nurture which distinguishes the greater number of them, shall enter into the rough struggle of public meetings and be shouldered and shuffled about at those gatherings? I have done a great deal of this work, and I am always glad to meet my constituents; but will any man who is interested in the comfort, the happiness, and the sense of propriety of our countrywomen say that he would like them to take part in those struggles, and listen to the questioning and noise that prevails on such occasions? Then, is the candidate to address a ladies' meeting; is he to explain his views at a meeting of the female part of the constituency specially called to hear him? I apprehend that would be ridiculous. If so, is there to be a canvassing of all the unmarried women and widows? I think, Sir, we ought not to subject women to anything of the kind. It would be odious to the women of England, and we ought not to expose them to it. My hon. Friend will say—"Give them the vote, and let them not vote if they do not like to do so." But it would be the duty of the proper officer to put them on the register; and in many parts of the country the female portion of the constituency would hold the balance of the contest in their hands. Do you suppose that under such circumstances they would not be annoyed, worried, and persecuted in such a way as to make their lives intolerable to them during a contested election? But then my hon. Friend says—"They have property, and that property ought to be represented." If that came from the opposite side of the House I should have thought it only consistent with some of the views held on that side; but my hon. Friend, and those who act with him, have always upheld the personal right of voting, and therefore from them that argument cannot be allowed for a moment. After all, Sir, property is a mere test of fitness; the voter should be independent, and if from any circumstances he is not so, he is unfit to enter into the electoral struggle. I say women are unfit to engage in that struggle, and that, consequently, the argument based on the rights of property falls to the ground in this case. But, further, the moment the Bill giving married women a separate right to their property passes the House, married women will possess property over which their husbands will have no control. Therefore, if the Bill now under discussion should pass, there will hereafter be an unanswerable argument for conferring the franchise on married women. The consequence of this will be a dual vote and a dual government in every house. I must protest against such a system of domestic anarchy. Either the wife will vote with the husband, in which case he will virtually take two votes to the poll, or she will vote in a contrary way, and then there will be domestic discord. I think the House ought not to sanction either alternative. These are objections to the simple proposal of my hon. Friend as it appears on the face of this Bill; but the principle goes much deeper, and is one to which I think there is still stronger objection. If the Bill should become law, how will it be possible for any very long time to refuse women the right to enter the House? The real meaning of this Bill is that we are to unsex women altogether. They are the weaker portion of the human creation. Nature has ordained that they should be so. Are we to take them down from their pedestal, and make them enter into rough competition with men? Are they to come into this House and to sit on these Benches? If so, why should they not sit on the Treasury Bench? And even this is not all. It is avowed that we are to become a nation of Amazons; that we are to have women barristers, attorneys, doctors, and for aught I know, Bishops. I have here a clever little book, written with great eloquence, power, earnestness, and honesty of purpose. It is entitled *Woman's Rights;* and is written by a lady named Caroline H. Dall. It was published in America, but I believe the writer is either a Canadian or an Englishwoman. In it I find these passages—

> "When society strikes out from the statute book all distinctions of sex, and admits she is a person capable of thinking and acting for herself, she will lay the foundation of a new civilization. (P. 27.) The result of a great deal of reading of a great many law books is only this—that we are more firmly convinced than ever that the most necessary reform is a simple erasure from the statute book of whatever recognizes distinctions of sex. (P. 64.) In the laws which regard single women, we object, then—1. To the withholding of the elective franchise. 2. To the law's preference of males and the issue of males in the division of estates. 3. We object to the estimate of women which the law sustains, which shuts her out from all public employment, for many branches of which she is better fitted than man. (P. 66.) After women have gone on some 20 years electing Members of Parliament nobody will be surprised to find some women sitting in that body. But, objects somebody—If that ever happens we shall have women on juries, women pleading at the Bar, women as attorneys, and so on.'"

She then adds—"And this is exactly what we want." I venture to think that the objects thus avowed are such as should not receive the sanction of this House, because if they were realized they would upset all the domestic relations of life. My hon. Friend and the other advocates of this Bill say their object is to raise women. After all the arguments I have heard on the subject and the best reflection I have been able to give it, my opinion is that the result of the Bill would be to degrade women. The House of Commons has recognized the fact that women are not as well fitted as men for the rough labours of life by prohibiting them from engaging in some of the coarser handiworks which men are obliged to perform. We do not allow women to go down into the "sunless mine," and yet the demand is now made that all women should be treated exactly like men. An old authority once said that an Act of Parliament could do everything but make men into women and women into men, but that is exactly what we are asked to do by this Bill. Were the hon. Members who support this measure to succeed in their attempt they would do an irremediable injury to our social and domestic relations. I have said that it is for men to do the rougher work of life, and I maintain that election work as well as Parliamentary work, is a very rough part of the work of life indeed, and that women are not fitted for either the one or the other. Women should be satisfied with the great power they now possess indirectly, which is far greater than anything they can hope to attain directly. By the exercise of their gentler influence they obtain more political power than they would ever obtain were they to hustle with men in the polling-booths. I well recollect a gentleman, formerly an hon. Member of this House, who went down to a pleasant borough in the West of England, where he was utterly unknown, and which he was anxious to represent in Parliament. Immediately on his arrival he announced that he was unmarried, that he possessed a good fortune, and that he proposed, if elected, to marry a lady of the borough. The consequence was he was returned triumphantly. Well, the hon. Member sat upon these Benches for some years; but unfortunately he did not keep his promise, and the result was that when he again went down to his borough on the occasion of the next General Election they would not even look at him; he had not the slightest chance, and he never sat again in this House. That is a proof of the great indirect influence which the ladies exert in political affairs, and that influence I, for one, am most anxious to preserve to them. Without further detaining the House, I must entreat hon. Members to pause before they pass this Bill, and not at the bidding of the hon. Member, to rush in where angels would fear to tread. I beg to move that this House will, upon this day six months, resolve itself into the said Committee.

Lord ELCHO, in rising to second the Motion, said, that he had not taken part in the Division the other day in consequence of his having been engaged in private matters. It had never entered into his head that the vote of one hon. Member could signify much on such a matter, neither had he conceived it possible that the Motion for the second reading would have been carried. He should be the last person in the world to seek to deprive a lady, whether married, widow, or single, of her just rights; but he did not think that a vote for Members of Parliament or a seat in that House was one of her just rights. The worst service, in his opinion, that they could do to the women of this country was to give them votes. The result of such a concession, which was demanded by a few ladies only—strong-minded ladies—would be to lower the position of women in this country to a great extent. He trusted the House would not pass the measure.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee,"—(*Mr. Bouverie,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir ROBERT ANSTRUTHER supported the Motion for going into Committee. He thought when he saw the Notice of the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie) upon the Paper, that at least they should have heard some new argument against the principle of the Bill on this occasion. The right hon. Gentleman had, however, only brought forward the old stock arguments against it that had been fully dwelt upon the other day by the right hon. Gentleman the Member for the University of Cambridge (Mr. Spencer Walpole). He looked upon this measure as involving a very important question, and he entirely demurred to the right hon. Gentleman laying down the law as to what the women of England ought and what they ought not to do. In his opinion the women of England were quite as capable of judging of what they are fitted for as the right hon. Gentleman. The right hon. Gentleman had argued as though this Bill, if passed, would compel all women to go to the poll, while, at the same time, he carefully avoided touching upon the justice of the question, because he was perfectly aware that not a shadow of argument could be brought forward against the Bill upon that point. The hon. Member for Manchester (Mr. Jacob Bright) in arguing the question, had said that as long as representation was based upon property that House had no right to grant the franchise to one class of persons and to refuse it to another. Now, would any hon. Member be kind enough to answer that argument? In his opinion, women were quite as competent as men to pass judgment upon questions of the day, and, indeed, on social questions they were even better qualified to decide than men, because their hearts would stand them in better stead than the hard-headed reasoning of the latter. As to the horrors attending canvassing that had been so graphically painted by the right hon. Gentleman, he did not know what the ladies of Kilmarnock thought of the right hon. Gentleman; but he should not have supposed that the right hon. Gentleman would greatly terrify them were he to call upon them and ask them for their votes. It was not at all necessary in these days of newspaper reports that ladies, or in fact that any electors, should attend public meetings in order to know which way they were to vote, and he would point out to the right hon. Gentleman that under the measure recently introduced by the noble Lord the Postmaster General, the most disagreeable part of election business would be avoided, and thus the most timid ladies—nay, even the most timid men—need not be deterred from recording their votes. It was evident that the women of this country were anxious to exercise greater political power than they had at the present moment. He had himself presented a Petition from several ladies, which stated that they desired to exercise that power for the good of the country. With regard to the medical profession, he thought that women were peculiarly well qualified for it, and that it would be advantageous to the State if there were many female medical practitioners. He directed the attention of the House to the observations of a Judge in one of the American States, who admitted that, though he had been opposed to females acting as jurors, yet in the case which he had been trying they had conducted themselves in an admirable manner. His right hon. Friend feared that the influence of women in elections would very materially strengthen the Conservative Benches of that House—["No!"]—but he thought such an apprehension a bad compliment to the ladies of England. ["No, no!"] They would soon find out that the politics of the party opposite did not conduce to the benefit of the country. He had heard no arguments on the other side which bore with any weight upon the question, and therefore he should support the Motion for going into Committee upon the Bill.

Lord GARLIES said, he did not wish to trespass on the time of the House; but he believed hon. Members would indulge him for a few moments when they knew the position in which he was placed. A great portion of his constituents had gone mad in respect to the rights of women, and it was because he did not join in the furor that he wished to say a few words in respect to the question before the House. He represented a constituency of some 16 parishes, half of which had sent to him Petitions in favour of the present Bill; but it was not in his power to vote for it. One argument in favour of the measure was that it favoured the direct representation of property, which he, as a Conservative, naturally approved; and another consideration, which, from self-interest, might induce him to support the measure, was that the women were supposed to take an unusual amount of interest in any man ranking among the class of bachelors. It had, by recent legislation, been determined that the suffrage was a privilege; and, on that ground, he argued that it should not be given to the female sex, for it would be no privilege to them; and he believed that the majority of the women for whose supposed benefit the Bill was brought forward, would recoil from exercising what they believed to be a masculine privilege.

Mr. EASTWICK, considering the importance of the subject, and the lateness of the hour, moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Eastwick.*)

Mr. NEWDEGATE said, he believed the House was perfectly prepared to deal with the question, after the very able speech of the right hon. Member for Kilmarnock (Mr. Bouverie). When the hon. Baronet the Member for Fifeshire (Sir Robert Anstruther) said that the right hon. Gentleman had used no arguments, he must have meant that the arguments used did not reach his understanding, for a more lucid exposition of sound doctrine in opposition to the Bill could not have been made. It was argued that, because women were admitted to vote at municipal elections, they ought to be allowed to vote at Parliamentary elections. He had observed some disposition to confound the functions of the House, the most powerful element of the Imperial Parliament, with those of municipalities; but he trusted that the distinction between the functions of the House and those of mere municipalities would always be observed. [" You, Sir," said the hon. Member, addressing the Speaker, " are not a Mayor, sitting in that chair."] The hon. Gentleman then proceeded to say, that he hoped that with respect to the qualifications and rights of women, the House would abide by the opinion of the greatest Sovereign, who ever in the person of a lady occupied the Throne of this country, that woman had a right to vote in matters connected with the Poor Law, for that was a system locally administered, so completely so, as originated in the days of Queen Elizabeth, as to render the parochial system an extension of the system of " the family." It was quite right that women should have a voice in the care of their poorer neighbours. So, likewise, by voting for the parochial churchwardens Queen Elizabeth very properly decided that women should have a voice in the internal arrangements of their parish churches; but it was not proper to presume that the education of women generally fitted them to have a voice in the Imperial questions which were to be decided in Parliament, or to throw women into the contest and rough passages of a Parliamentary election. The hon. Member for Manchester quoted the other day a passage from a speech of the right hon. Member for Buckinghamshire, but laid no stress on the qualification accompanying that passage. The right hon. Member for Buckinghamshire said that if there were to be universal suffrage then women should vote. That point, however, had not yet been reached by the extension which Parliament had given to the suffrage, and he (Mr. Newdegate) shared the prevailing opinion of the House in thinking the extension of the suffrage under the last Reform Bill quite wide enough. It was a great mistake to conceive, that the proposal before the House could have a Conservative tendency. Whenever a proposal like the one before the House had been advocated it was advocated by those who entertained the most ultra democratic views. That was the case in the United States. This proposal was an exaggeration, and a precedent which he believed would be very dangerous, and, therefore, being remarkable for his obstinacy and for his determination that his fellow-countrywomen should suffer no wrong, he could not lend himself to the support of doctrines which even in the United States were thought to be wild and exaggerated.

Mr. GLADSTONE: I hope the hon. Member who has moved the Adjournment of the debate does not intend to press that Motion.

Motion, by leave, *withdrawn.*

Mr. GLADSTONE: That being so, I may say a few words on this subject, and I rise chiefly for the purpose of answering the appeal which was made to the Government by my right hon. Friend the Member for Kilmarnock (Mr. Bouverie), who made a complaint that the Government had not taken any part in the discussion on the second reading of the Bill. I must say that the importance of a measure is not the only criterion of the question whether it is the duty of a Government as such upon all occasions to take part in the debate. Whenever the Government in its official capacity takes part in a debate, it is supposed and understood to invade the liberties of the independent Members of this House, and that is a consideration which often makes it desirable to leave even questions of very considerable importance outside the direct action of the Government, which direct action again has a tendency to draw them within the sphere of political party—a result not always to be desired. That was in a marked degree the view taken by the late Government at a time when we had among us Mr. Stuart Mill, the late Member for

Westminster, whose absence from this House we all deplore. ["No, no!"] I beg pardon for my rashness in speaking on behalf of dissentient Members who have just signified their disagreement; but I did believe that that was the unanimous sentiment of the House, and I am very sorry if the time has come when either political or other prejudice can so blind us that we cannot recognize and appreciate the merits of one who was an ornament to this House. On the occasion to which I refer my right hon. Friend the Member for Buckinghamshire (Mr. Disraeli), who was then the Leader of this House, quitted it and gave no vote upon the subject, he having been in the House when the subject was brought on, and the state of the opposite Bench at this moment, so far, at least, as the late Cabinet is concerned, appears to me an emphatic testimony that they agree with the doctrine I am pronouncing. A very important element in the consideration is, whether there is a practical necessity for the interference of the Government, or whether the Government are convinced that the matter is one on which the House is perfectly competent to act for itself. That undoubtedly is a matter that may very naturally influence their conduct; and I may say for most of my Colleagues as well as for myself, that we were both surprised and disappointed at the result of the debate on Wednesday last. We do not attempt to limit the freedom of anyone either in the official body or elsewhere; but, undoubtedly, there is a prevailing opinion, which I, for one, strongly entertain in common with all those who are sitting near me, that it would be a very great mistake to proceed with this Bill. My hon. Friend the Member for Fife (Sir Robert Anstruther) has made a most gallant and chivalric defence of the opinions which he entertains. But I cannot say that his argument weighed with me. He said that he regarded the turbulent proceedings at elections as likely to be abolished by the Bill which has been introduced by my noble Friend the Postmaster General; but in answer to that I may say that we had better wait until that Bill has become law, and those happy results have been achieved, before we venture to assume as a fact such a transformation in the elections of this country. My hon. Friend says that the property held by women requires to be represented, yet if that be so that argument does not apply to the principle on which this Bill is founded, because the Bill excludes all married women from the benefit—or the evil as it may be—to be derived from the franchise. But even if women are as competent as men to exercise the franchise—if it is a function equally suitable for them, why do you not recognize in married women that which you recognize in joint proprietorship, in joint ownership, in joint trade, in joint tenancy, and allow both a man and his wife to vote in respect of property which is sufficiently valuable to qualify them? Again, if it be true that the property of women ought to be represented, the ingenuity of the legislators of other countries has discovered a mode of attaining that end without its being open to the objection which attaches to this measure. In Italy widows and single women who are possessed of a property qualification are authorized to exercise the franchise, but only through the medium of a relative whom they appoint for the purpose. These, however, are particular points in the question; and the real matter at issue is much broader, for the question really is whether there is a necessity, nay, even, whether there is a desire or a demand for this measure. I must say I cannot recognize either the one or the other which would justify such an unsettling not to say uprooting, of the old landmarks of society, which are far deeper than any of those political distinctions which separate Gentlemen now on these Benches from those on the other. I am not aware of any such case, while I think that the practical matters that we have in hand are amply sufficient for our energies and our best attention. At nearly 2 o'clock in the morning I will not attempt to go into the general arguments, but I have listened to the debate with interest, and I am perfectly content to give my adhesion not only to the proposal, but also to the declaration and the reasoning of my right hon. Friend the Member for Kilmarnock, and I shall therefore cheerfully follow him into the Lobby.

MR. JACOB BRIGHT said: My right hon. Friend the Member for Kilmarnock (Mr. Bouverie) seems to think that no one in his district at all events cares about this question, and that the women certainly do not want to have the franchise. I do not know how it happens—I know nobody in Kilmarnock myself—but since I came into this House to-night I have received no less than four telegrams from Kilmarnock, telling me that Petitions are being forwarded, and that meetings are being held in favour of this Bill. Now, I think that I have a right to remind the House that we are accustomed to deal with Petitions as showing the general feeling of the country upon any question. Since we met this Session, 130,000 signatures have been attached to Petitions in favour of this Bill, and sent to this House. When the right hon. Gentleman the Home Secretary spoke upon this question on the second reading of the Bill, he made it a great point that if we give women the suffrage they will next want to come into this House. I doubt whether that is a serious argument. Last Session we gave women a right to vote in municipal elections; but we did not also give them a right to sit in our town councils. If this Bill were passed, no one believes for a single moment that women would expect to have seats in this House, and that being so, and it being granted that women are not likely to come into the House, that in itself is a very strong reason why they should have some influence in electing Members of Parliament outside the House. The right hon. Member for Kilmarnock says that women would be unsexed by the passing of this Bill, but that cannot be seriously believed by any one. If this Bill were passed women could come up to the polling-booth, if they chose, once in three, four, or five years, and that is the only difference that would be made, and yet we are told that in that way we should be unsexing women. Much has been said as to the undesirableness of introducing women into the turbulent scenes of contested elections, but that objection should be entirely abandoned, because by the legislation of last year we have already brought women into political contests by giving them the municipal franchise, and an hon. Gentleman on the other side of the House, who is opposed to me on this question, admitted that municipal contests are quite as political as Parliamentary contests. The right hon. Member for Kilmarnock gave us some information on the subject from a book written by a lady. But I think that if he had tried to discredit the matter by reading extracts from a book, he should at least have given us an English and not an American book. We look at this subject from very different points of view on different sides of the Atlantic. There is no person in this House who has a higher sense of justice than the right hon. Gentleman at the head of Her Majesty's Government, and I am sure there is no one who is prepared to make greater sacrifices for impartial legislation. I should like to call his attention to one argument. There are two kinds of votes in this country—the local vote and the Imperial vote. Women now have the local vote universally, but it is of comparatively small importance to them, for as no distinction is made between men and women in the action of the local bodies, men in protecting themselves protect women also. Parliament, however, legislates for men and women separately; it constantly imposes inequalities upon women in regard to property, social matters, and many most important questions. It legislates in one direction for men, and in another for women. Thus, while the local vote is of comparatively small importance to women, the Imperial vote is of great importance to them. My opponents say that one-seventh portion of the occupiers and owners of property in the country are to be for ever excluded from the political franchise. Why are they to be excluded? No reason has been given for their exclusion, beyond the fact that they are women. Representation always means protection; protection is more necessary for the weak than for the strong; and I appeal to a Parliament elected by household suffrage to make household suffrage a reality.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 94; Noes 220: Majority 126.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for six months.

VACCINATION ACT (1867) AMENDMENT BILL.

On Motion of Mr. CANDLISH, Bill to amend the Vaccination Act, 1867, *ordered* to be brought in by Mr. CANDLISH and Mr. Serjeant SIMON.

Bill *presented*, and read the first time. [Bill 126.]

House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, 13*th May*, 1870.

MINUTES.]—Public Bills—*First Reading*—Poor Relief (Metropolis)* (97).

Second Reading—Oyster and Mussel Fisheries Supplemental (No. 2)* (82).

Third Reading—Ecclesiastical Patronage Transfer * (55); War Office * (92), and *passed.*

HAWKERS' LICENCES.—QUESTION.

The Earl of AIRLIE rose to ask, Whether Her Majesty's Government intended to propose any measure for the better regulation of the trade of travelling hawkers and pedlars? Their Lordships had, no doubt, seen a letter in the newspapers signed by a noble Lord whom he did not now see present (Lord Kinnaird), on the subject of the proposal made by the Chancellor of the Exchequer to remit the Excise duties on hawkers' licences; and he believed that many similar representations had been made against the proposed remission. Now, he must say that these objections did not appear to him to be well founded. It must be remembered that the present tax pressed heavily upon a class of poor men, whose customers were also poor; and, as everyone knew, the mere possession of a licence afforded a very small guarantee as to the respectability of the holder of it. Indeed, it appeared to him that the present system tended rather to throw obstacles in the way of the police; for if they had any reason to think that a particular hawker was a suspicious character, he had only to produce his licence, and the police could not interfere further with him. The objections he thought rather tended to the adoption of some substitute to the present system rather than that it should be continued. At the same time there could be no doubt it was necessary that there should be police supervision, or check of some kind upon this class of persons. Many of them, he did not doubt, were struggling to earn a respectable living for themselves and their families; but there were many of whom that could not be said. They went about the country pretending to sell small articles, but really looking about for what they could steal: they were a great means of inducing others to steal; their houses of call were often the receptacles of stolen goods, and the haunts of poachers. Some of them were sturdy beggars, going about the country, when the men were absent at work, and compelling the women in the houses to give them money. There was, therefore, a clear case for police supervision of some kind. He thought that a system of registration might be adopted, and that this might be so arranged as to put an effectual check upon the evils of the system without any inconvenience to the respectable class of hawkers.

The Earl of MORLEY said, he would not go at length into the question, but he could inform his noble Friend that Her Majesty's Government were of opinion that, if the proposals of the Chancellor of the Exchequer should be carried into effect, some such arrangement as his noble Friend suggested would be necessary, and in all probability, a measure for that purpose would be introduced into Parliament in the course of the present Session.

SOUTH KENSINGTON MUSEUM.

QUESTION.

Earl CADOGAN asked the Lord President of the Council, Whether his attention had been called to an advertisement, which appeared in some of the daily papers on Friday, the 6th of this month, containing a detailed description of a diadem, composed of precious stones, on view at the South Kensington Museum, and whether it was considered in accordance with the objects of that institution and the regulations under which it was managed that articles should be exposed for exhibition there for the purpose of promoting their sale? The advertisement, after describing the diadem, added—"For further particulars apply to a certain locality between the hours of 12 and 2." Now, though there was some ambiguity about this intimation, yet there could be no doubt that the object was to attract the attention of persons who might be disposed to purchase the diadem. If that were so, it was not a fit object to be in the Kensington Museum. He was as fully aware as any of their Lordships could be of the advantage to the country in forming such an institution, and he was perfectly conscious of the great benefit it conferred upon the middle classes—especially in the work of education—by the facilities it afforded for giving instruction in the various processes of manufactured goods.

But just because of the importance of this institution he thought an impression should not get abroad that the Museum was diverted from its proper and legitimate objects to minister to the personal advantage of individuals. He was certain that his noble Friend (Earl Granville) would spare no pains to have this matter cleared up, and he hoped that he would be able to corroborate on authority the explanation that had appeared in the newspapers a few days ago. The explanation was to the effect that the loan of the diadem had been conditionally accepted by the Government, one of the conditions being that it must remain in the Museum for six months; and that on the owners asking if they might advertise it, they were distinctly and emphatically told that an advertisement could not be allowed. When the advertisement did appear the owners were told to remove it at once, and that was done accordingly. All who wished well to the Museum must hope that this was a correct statement. The institution was supported by a large grant of public money, and it ought not to be diverted from its public purposes to minister to the gain of individuals.

Earl DE GREY and RIPON thanked his noble Friend for having given him an opportunity to set the public mind right upon this matter. He had great satisfaction in hearing those expressions from his noble Friend as to the utility and importance of the South Kensington Museum, and he agreed with his noble Friend that it would tend to weaken its usefulness if it were to become a means of advertising the goods and facilitating the sale of merchandise of private individuals. But he was happy to say that on this occasion the rules of the Museum had been strictly adhered to. Those rules were, that the institution should be devoted to the purposes of Art—that nothing was to be exhibited for sale. The diadem in question was accepted on the usual terms of a loan. It was received into the Museum on the 28th of last month; the attention of the authorities was called to the advertisement on the 3rd of May; and on that very day the diadem was taken down and removed, and a letter was written to the owner informing him that he had violated the rules of the Museum, and that the diadem must be taken away; and that was accordingly done on the following day. His noble Friend would thus see that the rules of the Museum had been strictly carried out; and he was glad that by thus calling attention to the matter he had an opportunity of showing that the authorities at the Museum had not failed in their their duty.

METROPOLIS—KENSINGTON GARDENS.

QUESTION.

The Duke of RUTLAND asked the noble Earl the President of the Council, Whether there was any truth in the rumour that a portion of Kensington Gardens, near the Albert Memorial, would be taken away, and that a road would be made through the centre of the Gardens from north to south. He hoped to hear that the statement had no foundation?

Earl DE GREY and RIPON said, he did not know why the noble Duke had addressed his Question to him, as the matter was not one within his control; but he was happy to give him the information which he had received from the proper quarter. It was altogether incorrect that it was proposed to take away any portion of Kensington Gardens—indeed, it was not impossible that some portion of Hyde Park might be added to the Gardens. He was also informed that there was no intention of forming a road through the centre of the Gardens from north to south.

House adjourned at half past
Five o'clock, to Monday
next, Eleven o'clock.

* * *

HOUSE OF COMMONS,

Friday, 13th May, 1870.

MINUTES.]—Select Committee—Registration of Voters in Counties (England and Wales), Mr. Pease *discharged*, Sir Harcourt Johnstone *added.*

Public Bills—*Ordered—First Reading*—Life at Sea * [127].

Select Committee — Valuation of Lands and Assessments (Scotland) * [102].

Considered as amended—Tramways * [113].

METROPOLIS—KENSINGTON GARDENS AND HYDE PARK.—QUESTION.

Mr. W. H. SMITH said, he wished to ask the First Commissioner of Works, If there is any truth in the report that it is the intention of the Government to make a road for carriages through Kensington Gardens; and, if he will state between what points it is proposed to make the roadway?

Mr. AYRTON: Sir, I am not the least surprised that the hon. Member should have addressed this inquiry to me, considering the position he occupies, for it is difficult to conceive a more circumstantial report than the rumour to which this Question relates. I hope, therefore, the House will permit me to give a somewhat longer answer than usual. The rumour, which contains a certain amount of official knowledge, likely to impose on the community, states that some years ago one of my predecessors had designs prepared for making the road to which the hon. Member's Question relates; but the Government of the day not being strong enough to carry out the design, it was set aside. The report further stated that I proposed to take up that project, and bring it to a completion, in which I should be materially assisted by the great strength of the present Government. But what really has occurred is this—About eight years ago my right hon. Friend the former Commissioner of Works proposed to Parliament to spend a large sum of money in cutting a sunk road through the middle of Kensington Gardens. Upon that occasion I was active in opposing the subject, and joined with others in pressing our opposition to a Division. The result of that opposition was such that the Bill was dropped, although we were numerically in a minority, and a new scheme was taken up to improve a road which then existed to some extent, running from north to south between Hyde Park and Kensington Gardens. That road has been since improved so as to form a straight road, and, considering it has been made in accordance with my views, it is absurd to suppose I could suggest a sunk road through Kensington Gardens, which I had before strongly opposed. In point of fact, there is not a shadow of foundation for the rumour; it is the last thing I should have thought of. As I am speaking, perhaps the House will permit me to anticipate a Question standing in the name of the hon. Member for Chelsea (Sir Henry Hoare), who wishes to know Whether, in the re-arrangement of the boundaries of Kensington Gardens, for which a Vote is to be demanded, there will be any disturbance of, or interference with, the present line, limits, or ornamentation of the flower walk extending from the Kensington Road to the Serpentine Bridge? This carriage-road, as I explained on a former occasion, has cut off a very ragged piece of Hyde Park, which has often been spoken of in very uncomplimentary terms, and what we wish to do is to turn that unsightly piece to advantage by joining it with the ornamental portion of Kensington Gardens. My hon. Friend will understand that there must be some re-arrangement of the shrubs and walks; but such re-arrangement will, in the estimation of those who have charge of the work, rather improve the appearance of the Gardens than otherwise. As little change as possible, however, will be made.

Lord JOHN MANNERS said, he wished to ask if it would be possible, before the Vote came on, to have a plan of the proposed alterations prepared for the inspection of Members?

Mr. AYRTON said, that a plan would be produced.

HABITUAL CRIMINALS ACT.

QUESTION.

Mr. ROWLAND SMITH said, he would beg to ask the Secretary of State for the Home Department, Whether, in the Habitual Criminals Act of 1869, Clause 16, the date 1861 was not inserted in error for 1866; and, whether this error has not rendered the Clause inoperative; and, if so, whether he will this Session amend it?

Mr. KNATCHBULL-HUGESSEN said, that owing to the haste with which the Habitual Criminals Act was passed, several errors of omission and commission were allowed to pass in the Bill. The Home Secretary, however, intended to introduce a Bill during the present Session to remedy these inaccuracies.

IRELAND—PUBLIC RECORD OFFICE.

QUESTION.

Mr. W. H. GREGORY said, he wished to ask the Secretary to the Treasury, Whether it is the intention of Her Majesty's Government to take any steps to furnish the Irish Public Record Office with copies of such ancient English Records as relate to Ireland?

Mr. STANSFELD, in reply, said, the subject had been under the consideration of the Treasury on more than one occasion. At present the resources of the Record Office were entirely absorbed by the work in hand; but as soon as that business was all disposed of, there would be no difficulty in complying with the terms of the request.

SUBMARINE CABLES AND THE ADMIRALTY.—QUESTION.

Mr. W. H. GREGORY said, he wished to ask the Under Secretary for the Home Department, If it be true that Her Majesty's forces by sea and land have been employed in preventing the landing of a submarine cable at Guernsey; and, if so, what is the principle recognized and sanctioned by Her Majesty's Government in regard to the landing of submarine cables on British Dependencies?

Mr. KNATCHBULL-HUGESSEN said, in reply, that it was quite true that Her Majesty's ship *Dasher* had been employed in preventing the landing a submarine cable at Guernsey; but he was not aware whether any force on land had been so employed. The Crown had a right to the foreshore, and it was on that ground that the cable had been prevented from being landed. It was done by order of the Secretary of State, and with the consent of the Treasury. The foreshore being the property of the Crown, it was its duty to reserve its rights.

ROEHAMPTON GATE AT RICHMOND PARK.—QUESTION.

Mr. Alderman W. LAWRENCE said, he wished to ask the First Commissioner of Works, Whether Roehampton Gate of Richmond Park will be open to the public this season; and, if not, what course the Government intend to take in order that the visitors and inhabitants of the metropolis may have a nearer entrance and better approach to the Park than they have at present?

Mr. AYRTON said, he must remind the House that last year, in Committee of Supply on the Civil Service Estimates, the salary of the gatekeeper at Roehampton Gate had been struck out of the Vote, in consequence of which arrangements had been made for blocking up the entrance which enabled the general public to go into Richmond Park through that entrance. The public at large suffered no inconvenience—the sufferers were those residing in the immediate neighbourhood. Nothing could be done to remedy that inconvenience, because the owner of the road to that gate, considering herself very much affronted by what was done, declined to allow any carriage to pass over her private road. The question of opening a new road for the convenience of the inhabitants of the metropolis did not belong to him, but to those who administered the expenditure of the metropolis for the purpose of making roads for the convenience of the inhabitants.

Mr. Alderman W. LAWRENCE said, he wished to know whether any sum had been offered to the owner of the private road, or any correspondence had taken place on the subject?

Mr. AYRTON replied, that no subsequent negotiations had since taken place, but that he had offered an apology to the lady with reference to the circumstances which led to the quarrel, but she declined to accept his apology.

ARMY—BAND IN HYDE PARK.

QUESTION.

Mr. STACPOOLE said, he would beg to ask the Secretary of State for War, If it is true that the Commanding Officer of the Regiment, now quartered at Knightsbridge Barracks, does not allow the band of his Regiment to perform upon the platform erected for that purpose in Hyde Park in the same manner as the bands of the two last other Household Cavalry Regiments?

Mr. CARDWELL: I doubt, Sir, whether my hon. Friend has clearly apprehended the bearing of this Question. The Army Estimates furnish the pay of the musicians for military purposes; but it is no part of their military duty to perform upon the stand in Hyde Park. The costly instruments which constitute the band are the property of the officers. I have understood that the officers are extremely courteous in extending to those who have no right to claim it the pleasure which the band affords; but I have not felt at liberty to make any official inquiries respecting the rules by which their courtesies are regulated.

POSTAL SERVICE BETWEEN AMERICA AND ENGLAND.—QUESTION.

Mr. BAINES said, he would beg to ask the Postmaster General, If he has received any reply from the Postmaster General of the United States, in regard to the more speedy conveyance of the Mails from America?

The Marquess of HARTINGTON replied that he had received an answer from the Postmaster General of the United States; but he was sorry to say it held out no hopes of any acceleration in the transmission of the mails from America as long as the packet companies refused to accept the remuneration which he was empowered by Congress to offer.

EPPING FOREST.—QUESTION.

Mr. HOLMS said, he would beg to ask the First Lord of the Treasury, Whether the Government will be able to introduce their scheme for the preservation of Epping Forest during the present Session?

Mr. GLADSTONE replied that such was the intention of the Government.

CONSULAR ETIQUETTE.—QUESTION.

Colonel SYKES said, he wished to ask the Under Secretary of State for War, Whether the Foreign Office has received, officially or otherwise, confirmation of the following statement in "The North China Herald and Supreme Court and Consular Gazette" of 15th March 1870:—

> "From Hankow we have received the strange news that both the English and the United States Consuls, when calling on Viceroy Li, were refused admittance except by the side door, while the acting French Consul was recognized on terms of equality and obtained entrance by the middle or large door. It is just possible that the determined aspect assumed by the French Government on two or three occasions lately had paved the way for its representative at this time. Neither the United States nor the English Consul availed himself of Li's condescension to be visited by the side door;"

and, whether the Foreign Office will cause inquiry into this matter?

Mr. OTWAY replied that the Foreign Office had received no official intelligence of the circumstance referred to by his hon. and gallant Friend. If, however, his hon. and gallant Friend would take it upon himself to assert that any indignity had been perpetrated upon the Consular officers, it would, of course, be the duty of the Foreign Office to inquire into the matter. He was, however, bound to say that the representations of this nature made by the Chinese newspapers had not always been verified upon inquiry. He might observe that he was not sufficiently versed in the etiquette prevalent in that part of the world to which his hon. and gallant Friend alluded, to know whether admission by a side door instead of a middle or large door could be regarded as an indignity; but he did know that in European Courts it was often a matter of special distinction to be admitted by the side door.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

POLICE REGULATION OF VAGRANTS.
RESOLUTION.

Dr. BREWER, in rising to call the attention of the House to the unsatisfactory working of the regulations in force to secure the humane intentions of the Legislature in behalf of the Homeless Poor, consequent on the practically indiscriminate distribution of relief given to the whole class of applicants, criminal or not criminal, impostors or genuine poor; and, to move, That vagrants applying for shelter and food shall be put under the protection, regulation, and management of Police, said, that a reference to the original Poor Law institution of England, as based on various Acts passed between the reigns of Henry VII. and the 7th year of James I. showed that the evils that had then to be contended with arose from the fact that large numbers of dissolute and restless idlers, disbanded soldiers, and quondam lawless retainers had been thrown loose upon society. In the attempt to disintegrate the mass a division into three classes was made. The first consisted of the maimed, the diseased, and the impotent poor, for whom the *Maisons Dieu*, infirmaries, and hospitals were provided; the second, of the infant poor, for whom schools were built; and the third class, the idlers, the dissolute, the vagrants, and the incorrigible beggar, for whom Bridewells and institutions for correction were supported. This division had been the result of the constant preaching of Latimer, Ridley, and the most popular divines of that period; and it was felt then that it was requisite and essential to the good government of the State to separate from this mixed mass of pauperism this third and dangerous class, which then as now threatened the well-being of society. There was, then, nothing new in the proposal to place this vagrant class under the supervision and regulation of the police, for that was the original and primal basis of the Poor Law institution of the country. That was still the law and practice of every other European State. No one had ever attempted to review the policy of the Legislature in respect to vagrancy without referring to an Order in Council passed in 1349, the year subsequent to that of the terrible plague called the "black death." That Order in Council was as follows:—

> "No person shall give anything to a beggar that is able to labour, because that many valiant" (that is strong) "beggars as long as they may live on begging do refuse to labour, giving themselves to idleness and vice, and sometimes to theft and other abominations. No one upon said pain of imprisonment shall, under colour of pity or alms, give anything to such which may labour, or presume to favour them in their sloth and idleness, so that thereby those vagrants may be compelled to labour for their necessary living."

That Order in Council was not passed into an Act until the succeeding reign, in consequence of the terrible state of disease under which the metropolis was labouring. It appeared to have been the result of the knowledge and intelligence of the celebrated man, well known to every lawyer in the House, John de Thoresby the Chancellor, the author of the celebrated Statute of Treasons, and like the Statute of Treasons, it went to the very root of the matter, by punishing not the man who received, but the man who gave the alms and thus made the mendicant. Just as in the case of the Statute of Treasons, the statute founded on the Order in Council he had quoted was undoubtedly passed before men's minds were sufficiently advanced to give the sanction of conscience to obedience to the statute, and, consequently it fell to the ground, the first offender in all these cases being, of course, the King, who was followed by the Church and Court to the detriment and scandal of the whole country. The next reign was celebrated and sullied, as the reign in which commenced a series of barbarous and novel enactments against beggars and vagrants, totally excluding from the operation of their sanctions, those who were the beggars' tempters and abettors. The Acts became impotent simply because they were outrageous and impossible. In more recent times, the introduction of machinery into agricultural and manufacturing pursuits did undoubtedly withdraw multitudes of labourers from one locality and attract them to another, and hence the migratory character stamped upon vast bodies of the agricultural and manufacturing population tended greatly to modify, if not to revolutionize, the sentiments of society generally and ultimately to reverse the policy of the Government in relation to vagrancy. In the sympathy which was felt for this class, the danger of vast bodies of agricultural and manufacturing workmen herding in large cities and in this great metropolis with the vagrant, the idle, and the dissolute, was lost sight of, until the vagrant, from his intractability, his immobility, and his ponderous apathy, became what was called master of the situation. The evil was increased by the number of charitable institutions intended for the relief of distress, but conducted without discipline, without classification, and without labour, whether as a means of education or as a test of condition. In 1856 there were in London 530 charitable institutions and nightly refuges and cognate societies, and the returns of the annual expenditure of the former class alone was £1,805,635. The returns of the night refuges and institutions of that description were then, as now, very defective, and, more than that, very unsatisfactory, and of their income we had no account. Of the working generally of these institutions those who had most deeply studied this subject for years, as it affected this metropolis, felt that what John de Thoresby said in his day was true also in this, for under colour of pity and giving alms, these institutions were simply provocative of the very evils which they were intended to mitigate and allay. The number of vagrants in London in 1856 was 1,205, which was supposed to be a seventh, or, more nearly, a sixth, of the entire vagrant population of England

and Wales. The whole night admissions in every institution for the year were returned as 143,000. He had himself taken great pains, by the help of men who had been all their lifetime employed in investigating the subject, and occupied in relieving the poor, to obtain certain information as to how many of these admissions were wayfarers, or travelling mechanics and agricultural labourers, moving from place to place, seeking work, between 1856 and 1864. Now, though undoubtedly the number varied, not only according to the period of the year, but more especially according to the locality, if they put aside the night before the Derby, and the night before the Oxford and Cambridge boat race, they would find that the number of real wayfarers was never 6 per cent, and rarely more than 1 per cent. It would be remembered that in 1858 a very strong outcry was raised upon the subject of the homeless poor and vagrant classes in consequence of two children having wandered from their homes and taken refuge in a certain institution not far from Hatton Garden. In the year 1864 the number of night admissions rose, from 143,000 in 1856, to 216,549. The number of individuals making applications did not rise in proportion, but the recurrent admissions of the same individuals greatly increased. In fact, the casual character of the applicants was gradually lapsing into that of habitual vagrancy. Seven out of the 42 parishes to which he applied could give him no returns, because they had kept no books. Therefore their number, whatever it might be, must be added to the 216,549. But in the years 1863, 1864, and 1865 a vehement and continuous onslaught was made upon the metropolitan guardians for not supplying sufficient accommodation for the "casual" poor. Unfortunately, that word had done all the harm. If it had been the casual poor the guardians would have richly deserved it; but it was not the casual poor, and the erroneous use of that term had got them into all that trouble. In 1864 an Act was passed for distributing over the whole metropolitan area the charge incurred in providing food and accommodation for the wayfarers and the foundlings. Now that phraseology would not only not cover the whole mass of the applicants, but would touch only 1½ per cent, composed, as that vast aggregate was, of professional tramps, convicted thieves, and habitual vagrants who constitute the great proportion of the vagrancy of London, and of every large town where the vigilance of the police slumbers. Consequently, another Bill was passed in the following year, 1865, extending the provisions of the former Act beyond the wayfarers and the foundlings to wanderers and other destitute persons; but as the measure excluded all proper means of ascertaining the true character of the applicants, it really embraced all wanderers and all persons who preferred living at the expense of the public to maintaining themselves by monotonous industry. It was entitled the "Houseless Poor Act"—not the homeless poor, but the houseless poor, a very different thing. When he had spoken of the title and the provisions of that Act to his Continental friends who were engaged in dealing with vagrancy, they exclaimed—"England provides for the houseless poor; then we suppose she will next make provision for the landless poor." And when they found that was to be done without inquiry by the police into the character, antecedents, and modes of life of those classes, they added —"We know that England is very rich, but she must be very rich indeed to deal simply by the force of her money-bags with the part of any population which is the most difficult of all to govern." He had asked one eminent man, well known to the House, whether he was not astonished that men and women should yearly be found starving in the streets of that great metropolis; and his answer, which went to the root of the whole matter, was—"Not at all. The wonder is, that whole families of the humbler, self-supporting, labouring men, are not beggared and do not die of want with such a weight on their shoulders; and, as for the really destitute and those fallen into distress, what decent poor man or woman would mix with such a ruffian lot as in your vagrant wards must nightly congregate?" His friend referred him to the causes of crime, which were the same in England as in France and in Germany, and said that the records of the prisons showed that, next to drunkenness, the generality of crime arose from the desire to acquire property with a less degree of monotonous labour than the ordinary industry required to obtain it honestly. That statement corresponded with the confession of criminals themselves, which proved that among the causes of crime, next to drunkenness, was the desire, as they expressed it, to "shake a free leg," which means intolerance of control, love of ease, sloth, and sensuality. From those causes proceeded the large number of our convicted felons, who were inextricably interwoven with our vagrant population. In Mr. Doyle's Report for 1866 there was this passage—

> "As a general rule in this district the casual ward of the workhouse, so far from being the temporary refuge of the deserving poor, is a place of rendezvous for thieves and prostitutes, and other vagrants of the lowest class."

The Houseless Poor Act he conceived to have been a complete reversal of all the legislative policy of this country, not only because it gave to persons who called themselves destitute, but of whose destitution they had no proof whatever, a primal right or lien on property, but also because it gave to a man who had no house a right prior to, and greater than that of the self-supporting labouring ratepayer; for, as everybody knew, the rates were due in advance, and the law had no scruple about selling the bed, the chair, and the table of the honest working man to meet the collector's demand. The Houseless Poor Act excluded all possibility of such a check or guarantee against imposition as was contemplated even by Socialism, and it required the vagrant wards to be open from 6 o'clock in the evening to 8 the next morning, so that the persons admitted to them came there and remained during the hours of the day when the best or only chance of getting employment, if they really wanted it, presented itself. Thus they, as it were, actually initiated the inmates of those wards into habits of idleness by their system. He had himself conversed with occasionally respectable vagrants in a casual ward, and they had told him that the institution was simply a herding together of the helpless and the accidentally indigent with the worst and most depraved portion of society. The most alarming feature of the operation of this law was afforded by the Returns he had received from every parish and union in the metropolis on the following four points—first, the number of men, women, and children admitted in the year ending Michaelmas, 1869, compared with those admitted in 1864; secondly, the proportion of those admitted in 1869 whose settlements were believed to be in the country or abroad—this belief being not based simply on the statement of the applicant, but on the knowledge and experience and investigation of the officials; thirdly, the proportion of those who, within the same period, were believed to be of the criminal class; and, fourthly, the supposed proportion of recurrent admissions. The total number of admissions in the metropolitan area in casual wards, exclusive of night refuges and other charitable institutions, was 614,088. Taking, then, the number of vagrants in England and Wales as 6,692, the admissions in the casual wards of the metropolitan workhouses alone would give to all the vagrants 92 nights' lodging in 1869. But the calculation was, that in all cases of wayfarers and non-professional tramps, including casual sickness, 30 nights a year for each was an ample and most sufficient average. But this was very far short of the real state of things. The admissions into hospitals, night refuges, charitable institutions, and prisons into which the London vagrant found his way swelled this average into not less than 120. But we knew that, although the number of vagrants might be diminished in certain counties, yet all the vagrants of England and Wales had not spent the year in London. It was simply undeniable that the following conclusion must be drawn:—First, that the operation of the Act had worked notable increase in the number of vagrants; and, secondly, that the number of habitual vagrants, vagrants who continued vagrants, and made vagrancy a trade was correspondingly increased. Of the proportion which immigrant vagrants bore to the whole of the admissions, he could not give a perfectly accurate table, because in 273,939 admissions only, out of the total 614,088, had the officers of 42 Unions and parishes taken the precaution to observe and report. He had divided the parishes into two; the first batch of 147,003 gave 116,939 not belonging to the London vagrant classes; the second batch of 126,936 gave the number not belonging to London as 106,938. This, therefore, would give in 273,939 only 50,062 to London vagrants properly so called; but it must be borne in mind that the accommodation in night refuges and cognate institutions for vagrants was omitted. It was no part of his object to strain matters; but he contended that the Act had allured to London and to a vagrant life in London a very large proportion of those who found nightly admission to the night wards, and this had operated on a scale of such magnitude that if the estimated number of nights for wayfarers were applied in the calculation, the number of ascertained vagrants would have risen to 20,453, and that from prisons and other refuges to 11,000 or 12,000 more. But this deduction was opposed to the direct testimony borne in respect of night refuges in the metropolis; the recurrent admissions varied from 9-10ths every three months to 1-8th. But some most intelligent officers stated to him—"They see throughout the year the same faces, the admission suspended only during the term of imprisonment." But the now very nearly accurate information as to the external character of the vagrants and the number of night admissions proved that the wayfarer was a very rare bird indeed—that the vagrant was now the habitual, and unless instant action be taken this incorrigible class would be not simply dangerous but a stigma to civilization. Of the proportion of convicted thieves among the vagrants he had no accurate returns from the vagrant wards; but of their existence in dangerous numbers, especially in some Unions, he had very clear and valuable evidence. In St. Mary's and St. John's, of 23,605 admissions—15,199 men and 6,861 women and 1,545 children—50 per cent were of the criminal class. In St. Luke's, Middlesex, a somewhat lawless quarter, two-thirds of the vagrants were ascertained to live on plunder, and had been convicted of theft. In St. Pancras the number of that class was only 15 per cent; in the Strand it was 25 per cent. In St. Olave's the account was less favourable still. In Rotherhithe the proportion was 50 per cent. In Wandsworth it was 33 per cent. As regarded the City, the account of a most intelligent officer contained this statement—"There are few who are not more or less belonging to this class." In Kensington also the account was unfavourable. In St. Mary's, Islington, Mr. Hicks bore the same testimony as was borne of the vagrants in the City. In Holborn, where the number of admissions had risen from 2,631 to 15,882, petty thieves constituted one-half the admissions. In Hendon things were similar. In St. Georges Hanover Square, 25 per cent of the vagrants had been convicted of crime. In Fulham, while 30 per cent had been in prison, 15 per cent had been committed for felony. In Clerkenwell the criminal class was but 1 per cent, and in Brentford it was 5-16ths. He did not want to unduly press these statistics on the House; but as many Members might, as he had done, frequently visit vagrant wards, and have given much attention to this subject, the evidence adduced in these returns would probably show them that of which he had taken much pains to convince himself—namely, that a proportion dangerously great for public safety of the dangerous classes was mixed up with the vagrant proper. Having then shown that the vagrant class in London had been vastly augmented, he would state in two lines the actual magnitude of the number. In the tables of the population of London from 18 to 39—the ages which included by far the largest proportion of male vagrants — there were 478,500 males. In the night admissions of the year 1869 the male admissions numbered 370,413. They must take away from 478,500 all men in the metropolitan prisons, all in hospitals, and all in nightly refuges, all in charitable institutions of all classes of this age, and then see whether 370,413 admissions into workhouse vagrant wards of the male population was not something alarming enough. It was a fact unparalleled in Europe. No metropolis could endure the like, and yet in England the consumption of solid food per head of the whole population exceeded that of France, Prussia, Spain, Belgium, as well as that of the more Southern States, in the following proportion:—In Prussia the consumption of bread per head of the whole population was, according to the tables of Professor Kolb, 324lb. per annum; in England, 450lb.; in France, 495lb. The consumption of animal food per head of the population was in Prussia, 35½lb.; in France, 46 3-10lb.; and in England, 136lb. per annum. Professor Entemann, of the Lower Chamber of Berlin, had told him that in that metropolis, estimated in 1864 as possessing 633,749 inhabitants, a vagrant population was never allowed to exist as a permanent incubus upon the people, and, in fact, not 60 individuals coming under that description existed. No country except England would undertake to provide for the nightly accommodation of a wandering population. Taking the smaller towns of the North German Confederation, he found that in Lübeck the number of vagrant poor in 1862 was 46; in 1864 it was 57; in 1867, just after the War, it rose to 74; but in 1868 it had again fallen to 34. The vagrant population in that country was regarded as so closely connected with the criminal population as to form one of the dangerous classes. The returns he had obtained from France were not stated with sufficient clearness to be of much use in supporting his view of the question; still they showed that the police in Paris were in the habit of treating vagrants as belonging to the dangerous classes. The course adopted in that city was to educate the vagrants by means of hard and useful work, and every care was used to prevent the children of such persons from following in the footsteps of their parents. It had been stated that the French law did not recognize pauperism, and that no provision in the way of rates was made for the maintenance of paupers; but the various charities for the relief of the poor in that country were supported largely out of the communal revenues, which were principally derived from the *octroi* and similar imposts. He had intended to enter at length into the details of a scheme he had drawn up for the regulation of our vagrants; but he felt that the state of the question and his own position in that House would render such a course on his part both offensive and presumptuous. He did not think, under these circumstances, that his Motion would be objected to as being a mere abstract Motion, because he had pointed out the existence of a serious evil, and had indicated its source and the remedy that lay in the hands of the Government. He had shown the necessity that existed for placing these undisciplined, unclassified, and ungoverned persons under a uniform discipline, an accurate classification, a firm government, and for imposing upon them a labour test. He had forborne to lay before the House an immense mass of matter relating to the counties and affecting the larger towns of England, because there were so many hon. Members in that House who had devoted much of their time to the study of this subject, and who might take that opportunity of putting the House in possession of their views. But he believed he had amply proved the necessity that existed for the unfortunate and dangerous class to which he referred being taken in hand by the direct Executive of this country, and not left under local management—that the remedy involved elements too complicated to be entrusted to any but the Executive authority of the State. Steps should be taken to separate the accidentally poor from the professional vagrant living by crime. Such a protection was absolutely needful for the safety of the country no less than for the progress of civilization. What was especially needed in this country was organization and unity of action. He thought that the House would agree that the utter absence of all control, of all attempts at reclamation, and of all efforts to get at the children of these unhappy men and women constituted a danger which local agency could not cope with, and he would conclude by moving his Resolution.

MR. BROMLEY DAVENPORT, in seconding the Motion, said, that he wished to make a few observations as to the operation of the law, especially in his own part of the country. The Macclesfield Union a short time ago published a statement as to the increase of vagrancy during the last few years. They stated that the number of vagrants in Macclesfield was in 1860, 378; and that in the following years to 1864 the numbers were—416, 1,154, 4,934, 4,229; in 1865-6 the numbers were nearly the same; in 1867, 4,036; in 1868, 5,785; and in 1869 the number reached was 8,245. Now, as to the treatment that might be supposed to have brought about this state of things. The guardians, in reply to the circular letter of the Poor Law Board upon vagrancy, stated that at one period they had tried a strict system, and at another a lenient one; and the result was, that they had come to the conclusion, that no system, be it humane or strict, harsh, and severe, would operate as an effectual check to vagrancy. This coincided with a very able Minute of Mr. Charles Buller, in 1848, in which he said that experience had shown that the roughness and coarseness of fare only inflicted hardship upon the really meritorious and destitute, and did not counterbalance the inducement that the certainty of food and shelter held out to the dishonest vagrant. These were important facts, and showed that the treatment of such a vast amount of vagrancy must be a matter of great difficulty. It was all very well to place vagrants under the control of the police, but something more must be done to stop the evil effectually. In his (Mr. Bromley Davenport's) opinion, future generations must be looked to; and though it might be too late to turn the adult vagrant from his evil courses, yet the country ought to adopt measures to prevent a fresh brood of paupers from being produced every day. The children of vagrants, in order that they might be prevented from following the bad habits of their parents, should be educated in a special manner, so that their vagrant and predatory instincts might be eradicated. He had himself proposed several years ago to place the whole class of vagrants under the police, and the proposal met with the favourable consideration of the House; but the plan was never carried fully into effect, and he now hailed with satisfaction a proposition to effect the same object.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, vagrants applying for shelter and food should be put under the protection, regulation, and management of the Police,"—(*Dr. Brewer*,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. CORRANCE said, that at the commencement of this Session he expressed his regret that the Government had not mentioned the great subject of pauperism in the Queen's Speech; but since then he had somewhat modified his opinion in consequence of seeing the large amount of business that the House had undertaken, for he should be sorry to see such a question as this entered upon without an adequate prospect of their being able to deal with it in some efficient manner and arriving at a proper end. At the time to which he had alluded he had also expressed the hope that the Session would not be allowed to pass by without some private Member bringing the matter before the House, and in his opinion they were much indebted to the hon. Member opposite (Dr. Brewer), who had done so in so able a manner. In the course of last Session he (Mr. Corrance) himself undertook to introduce the whole general question of pauperism, and when he placed his Notice upon the Paper it was certainly his intention to have given some prominence to the question that they were now discussing. But it might have been observed that he really treated this matter as but a subordinate part of the question, and he had reason for doing so, for when he came to enter more fully into the subject it seemed to him that this question of vagrancy scarcely entered into the general question of pauperism itself, but stood almost completely apart from it. This opinion was greatly confirmed by further researches in the same direction. It seemed to him that this question of vagrancy was never thoroughly contemplated in the Act of 1834, but was introduced only collaterally, as forming a subordinate part of the measure; and indeed in succeeding times there was very little mention of it. In 1866, Mr. Cave, one of the Poor Law Inspectors, stated that—

> "Although the Commissioners laid down very exact, and even minute regulations for the management of the permanent inhabitants of a workhouse, they issued no regulations for the treatment of vagrants; and Guardians were left to treat the casual poor in any manner which seemed expedient to each Local Board."

The first system of the Poor Law Board was based upon local settlements and removals and a very strictly defined system of local administration, and it scarcely embraced the case of such a large and erratic class as the vagrants. At first also there was not sufficient central power, and the powers of the Commissioners were renewed from year to year until 1839. At that time the wants of the vagrant class became apparent, and in 1844 the District Asylums Act was passed in reference to London to meet the most pressing wants. The operation of that statute was very much like that of the Houseless Poor Act of the present day, and it attracted a large proportion of homeless men to London. It seemed to have been a failure, for in 1848 the Minute of the Board, to which reference had already been made, was issued, and in it they said—

> "The Board are unable to suggest any additional test or punishment that shall prevent the abuse of relief indiscriminately extended to every stranger who may represent himself as destitute. A sound and vigilant discrimination in respect of the objects of relief, and the steady refusal of aid to all who are not ascertained to be in a state of destitution, are, obviously, the most effectual remedies against the continued increase of vagrancy and mendicancy."

The Minute went on to state—

> "The Guardians must, therefore, encounter the responsibilities of their position, and entrust the business of administering relief to officers who shall possess sufficient discrimination to distinguish those whose urgent destitution gives them a claim to relief from those who throw themselves habitually on public charity because it is extended to all who choose to ask it."

This showed that the Board was utterly incompetent to prescribe remedies to meet this case, and tasks were imposed upon the guardians which they could not perform. They had not efficient officers for this work, and how were those officers to ascertain the condition of the casual wayfarer? The system itself precluded this, for it was essentially a local system. The result was that Boards of Guardians acted more or less upon their discretion; and about 10 years afterwards there were some unpleasant symptoms, though there was nothing that brought the matter to direct issue. Towards 1860, however, there were circumstances which took place in London that gave rise to considerable scandal. Some Boards of Guardians had acted with humanity, and others with the greatest severity; and it happened that people applied, were refused admission, and died. This attracted the attention of the House. A Committee sat in 1864, and the result was the passing of the Houseless Poor Act. The Report of that Committee was very interesting, and speaking of vagrants it said that this class was a distinct and separate class; that their habits were predatory, and that their means of living were means of robbing. In 1868 the next official notice of the matter took place; and it would be pretty evident from this document that the Poor Law administration had, under ordinary circumstances, been found to be thoroughly deficient and incapable of exercising efficient control over this class of people. He believed that the Poor Law Board had done its utmost in this direction—that it had issued good Minutes founded upon correct information, but that the guardians had not been competent to carry them out. That Department, however, was not the only one concerned, for representations had also been made to the Home Office, as he should show—no later than last year—in a correspondence with the Chief Constable of Cumberland and Westmoreland. The Chief Constable wrote—

> "Chief Constable's Office, Carlisle,
> "1st February, 1869.
>
> "Dear Sir,—In reply to your communication I have much pleasure in enclosing for your information an extract from my Report to the last Michaelmas Quarter Sessions, in relation to tramps and vagrants. The police of these counties have orders to use their utmost exertions to apprehend persons found committing offences against the Act 5 *Geo. IV.* c. 83. No doubt they experience pretty much the same difficulty in tracing out this class of offenders as is found to exist in connection with the discovery of crime generally. However, they did succeed, as you will see from my Report, in apprehending 524 persons. I need hardly say that the police would not be justified in apprehending persons simply because they bore the appearance of tramping vagrants. As to there being any difficulty in tracing out offences committed by tramping vagrants, I can only say that no insuperable difficulties have been in these counties, and, since the magistrates have uniformly enforced the law there was in the two counties during the year ending on the 29th of September, 1868, a decrease of 6,935 tramping vagrants, while various petty larcenies, burglaries, and other crimes decreased in a most remarkable proportion. My opinion is that a large proportion of tramps go about the country for the purposes of plunder, and I feel persuaded, from the experience we have had in these counties, that if the law were generally carried out professional tramping' as a profession, might be very speedily and successfully grappled with.—Believe me to be, dear Sir, always very faithfully yours,
>
> "(Signed) J. DUNNE, Chief Constable
> of the Counties of Cumberland and
> and Westmorland.
>
> "To J. B. B. Baker, Esq., &c., Hardwicke Court,
> Gloucestershire.
>
> "'Your Committee consider it necessary to specially draw the attention of the Court to the great public evils that arise from the habitual depredations committed by tramps and vagrants. A large majority of the crimes in the county are committed by such persons. The daily average number in Westmorland was this year 35, showing an increase of 10 as compared with last year; and your Committeee are of opinion that it would be greatly conducive to the public interests if the laws in regard to those persons were in every case most strictly administered.'"

He believed that he was right in saying that the Home Office had taken very little notice of that communication, or of further representations made to that Office by General Cartwright in his Report; and, at all events, it had produced no corresponding action. Were the Home Office authorities waiting for the Poor Law Board, or the Poor Law Board waiting for the Home Office, or was it a case of divided responsibility? He believed that the Poor Law Board had done its best, but the Home Office had done very little, and not taken any prompt or efficient measures to meet the necessities of the case. He was inclined to think that if the Home Office had co-operated more frankly and freely with the Poor Law Board the result might have been much more satisfactory. The facts to which he had alluded were the data upon which he came to the conclusion that this matter was scarcely one which the Poor Law Board could deal with if left to itself. There was a great deal of collateral evidence upon this point; and some of it referred to the horrible places in which tramps lived. In reference to the tramps' lodging-houses in Bristol it was stated—

> "Any person of respectability resorting to these places would be the exception and not the rule. Remaining there above two or three nights would raise the strongest presumption against any man's character, and any man residing there for several nights may safely be considered a rogue or a scamp of some sort or other. There does not appear to be much difference in those frequenting them. The class appears to be tramps, low thieves, receivers of stolen property, begging letter writers, and rogues of every description. All those frequenting them are ruined, dead ruined—all lost as if they did not belong to humanity. They are so lost that they cannot be reformed. Those places are schools for ruining the souls and bodies of all children entering them. The general opinion seems to be that some of these houses are frequented by particular classes of rogues."

In answer to another question it was said—

> "They are not brothels in the usual acceptation of the word, but every man or lad bringing a woman or young girl there would unhesitatingly be received and no questions asked. How could they be asked? It makes me sick at heart when I think of the prostitution going on among the children."

Mr. Barwick Baker, of the Manchester Statistical Society, had published a paper in reference to these classes, and showed what was a very serious matter, that the number composing them had of late years very greatly increased. No doubt the casual visitors were likely to be over registered by being put down two or three times; but still allowing for this the figures were very serious. Mr. Baker stated that the numbers of vagrants and tramps from 1858 to 1867 were as follows:—22,559, 23,353, 22,664, 24,011, 29,504, 33,182, 29,114, 33,690, 33,191, and 32,558. And what made the matter even worse was that the proportion of vagrants to tramps had greatly increased. He would remind the House that the two classes — vagrants and tramps — embraced all houseless wanderers, and that there was one class of wayfarers — namely, those who were looking for work or changing their residence—who were properly entitled to relief. Mr. Baker said—

> "The next thing which strikes us is the varying proportions of vagrants to tramps. In 1851 the vagrants were one-tenth of the whole, and with some variation continued so till, in 1866, they became one-eighth, and in 1867 one-sixth of the whole. This may be fairly explained when we come to the history of the last two years. It should, however, be noticed that the increased number of tramps since 1856, as distinguished from vagrants, cannot have been caused by Poor Law regulations, seeing that they are entirely independent of them. Yet from 1858 to 1865, when they reached their highest point, the tramps —exclusive of vagrants—increased from 20,317 to 30,190, or by nearly one-half; and since then, while the vagrants have been largely increasing, have receded to 27,481."

There could be no doubt whatever that the vagrant class was a criminal class; and the House would from these figures perceive the correctness of the proposition with which he started—namely, that such a class could not possibly be dealt with by means of a merely local administration. And as the guardians of the poor could not exercise proper supervision over such a class, they had acted on the plan of getting rid of them and passing them on to another parish. Mr. John Lambert, the author of an ably written pamphlet on the subject of *The Vagrancy Laws and Vagrants*, quoted Shakespeare in one part of his work, where he puts in the mouth of Dogberry words which Mr. Lamberts says has since formed the practical code for the guidance of Bumbledom—

> "Dogberry.—This is your charge: you shall comprehend all vagrom men; you are to bid any man stand in the prince's name.
>
> "2nd Watch.—How if he will not stand?
>
> "Dogberry.—Why then take no note of him, but let him go; and presently call the rest of the watch together, and thank God you are rid of a knave."

The great anxiety of the authorities appeared to be to get rid of the troublesome vagrant, who was everything that was disagreeable and objectionable, and who could not be said to be clean even when washed. With regard to the local magistrates, he was afraid matters were not much better. He confessed he had often found it hard to send a man to prison for sleeping in a barn or under a hedge. If humanity was called forth on such occasions, how much more was it strengthened when the offender was a woman? He had recalled to memory the words of Crabbe, in his poem entitled *The Hall of Justice.* In speaking of the vagrant, the poet puts this plea in the mouth of a woman—

> "My crime!—This sickening child to feed—
> I seized the food, your witness saw;
> I knew your law forbade the deed,
> But yielded to a stronger law.
>
> "Know'st thou to Nature's great command
> All human laws are frail and weak?
>
> "I saw the tempting food, and seized—
> My infant-sufferer found relief;
> And, in the pilfered treasure pleased,
> Smiled on my guilt, and hushed my grief."

He thought there were many magistrates who, in answer to that plea, would say—

> "Receive our aid, and then again
> The story of thy life disclose.
>
> "For though seduced and led astray,
> Thou'st travelled far and wandered long;
> Thy God hath seen thee all the way,
> And all the turns that led thee wrong."

Now, he had heard several suggestions from both sides of the House, as a remedy for the evils complained of. Education had been urged. He only asked the House this question — how was it possible to get at the class of vagrants in order to apply that remedy? It was simply impossible to bring education to bear upon the vagrant class. He should have much greater confidence in a system of strict and accurate supervision. Let the vagrants first be found out—then let them be labelled and ticketed by the police, and handed over to be dealt with by the Poor Law Board or by the Home Department.

MR. STAPLETON said, he viewed this subject as one of great and increasing importance. The reforms that were taking place in other Departments increased the difficulty of applying a remedy to vagrancy. The more careful the Government were in selecting men for the Army and Navy, the greater were the difficulties with which his right hon. Friend at the head of the Poor Law Board had to contend. In former times the idle spirits of the country, and those who, from bad character, were unable to obtain work, found refuge in the Army or Navy; but now that both of these services were exhibiting greater care in the selection of the men they admitted into them, they were, in effect, adding considerably to the army of vagrants. It would, no doubt, be very beneficial if some plan or system were established by which those persons could be reformed. But any such plan, he was afraid, would be so extremely difficult and expensive to carry out that he was hardly sanguine enough to hope to see it put in operation. In the meantime, however, something effectual might be done to check the great evil of which they complained. That something must be done through the Home Department. And here he thought they suffered much by that system of divided authority which at present existed. At night the vagrants went for shelter to the Department of his right hon. Friend, and in the daytime they betook themselves to the practice of begging in the public streets. Unless, then, the beggar was effectually put down, this army of vagrants would go on increasing in numbers. If we had an efficient police, determined to put a stop to begging, a great blow would be struck at the root of this evil. At present the police did not seem to think it was part of their duty to interfere with mere beggars, unless they were actually given to them in charge; and, of course, private persons were very reluctant to give beggars in charge. It was the duty of the Home Department and the municipal authorities to see that the existing law in reference to this subject was fully carried out. If vagrants understood that they could not, on being discharged from the vagrant ward, spend the day in begging with intimidation, they would be obliged to take work if they could get it, and if they could not, it was better that they should become permanent paupers.

MR. C. S. READ said, he thought the practical experience of guardians of the poor for rural districts would lead them to view with favour the Motion of the hon. Member for Colchester (Dr. Brewer). There was no doubt that vagrants, as a class, were semi-criminal; and, therefore, it was for the police, rather than the guardians of the poor and the relieving officers, to grant them casual relief. In all those Unions where the police had been made relieving officers for the vagrant class, a certain amount of improvement had taken place. It had been said that no treatment could possibly reduce the number of vagrants; but he was quite sure that if a uniform labour test and the cold bath were regularly applied they would have a good effect. There was nothing vagrants disliked so much as cold water; but the misfortune was that in the rural workhouses there were not officers enough to impose upon the vagrants this penal ablution. The House would agree with him in saying that ever since the President of the Poor Law Board took office he had done all he could to reduce the number of vagrants. If, however, the proposal of the Chancellor of the Exchequer to abolish hawkers' licences were carried, the flood-gates of vagrancy would be opened in the rural districts, and they would be inundated by vagrants whom there would be no power of checking or means of punishing.

Mr. WHALLEY said, he thought it something foreign to the duties of the police that they should be turned into relieving officers, and that to invest them with these functions would be attended with consequences which were scarcely appreciated. The Poor Law Guardians ought to be better instructed in their duties, and the auditors ought to be directed to disallow the large sums which were now expended upon vagrants—an expenditure which was entirely illegal and unauthorized, and which was almost the only cause of the present difficulty, and of the alarming increase of vagrancy. The hon. Member for Colchester (Dr. Brewer) did not sufficiently recognize the legal distinction between vagrants and casual poor. Vagrants were persons who could give no satisfactory account of the way in which they got their living; they included idle and disorderly persons, rogues and vagabonds, and incorrigible rogues. There was nothing better known to the law than the offence of vagrancy. Vagrants wilfully threw themselves upon the chances of begging and illegitimate modes of obtaining a livelihood, while a pauper was a person who, although in want of sustenance for the time, could distinctly account for that circumstance when called upon to do so. The place at which he (Mr. Whalley) lived was upon the highway, between two labour districts; and it had come to be recognized by guardians, magistrates, and police, that it was an excuse for vagrancy that a man was in want of work. It had now become a recognized excuse for vagrancy that a man was out of work. But no man had a right to wander about in search of work at the expense of the country. The Poor Law Guardians had allowed themselves to drift into a system of tolerating vagrancy; and the magistrates in many cases disregarded their duty and the law they had to administer in their suggestions how tramps should be provided for. The magistrates ought to treat vagrancy as an offence, and one of a grave character, seeing that it lay at the root of so many other offences. Their excuse was the want of accommodation in our prisons, and the expense to the county of committing vagrants. But in districts where magistrates had taken cognizance of the law, and had instructed the police to deal with persons who could not give a reasonable account of how they got their living, vagrancy had almost entirely disappeared. This was so in Merionethshire; and in Montgomeryshire and Denbighshire the same results were beginning to flow from the same system. The Poor Law Board should direct the guardians not to apply the money of the ratepayers for the support of this criminal class of the population, but should require the police to interfere in all cases except that of the casual poor, which was a distinct class, and should also require the magistrates to enforce the law against vagrants.

Mr. W. H. SMITH said, this was no doubt a very grave question for all who had a share in the administration of the Poor Law. During the last few years there had been a great increase in the number of persons relieved in the casual wards, and he believed it was generally admitted that the present system tended rather to increase than suppress vagrancy. In the opinion of gentlemen of great experience it was doubtful whether Poor Law Guardians were the persons who should be entrusted with the duty of dealing with vagrancy. In the country they generally held their sittings only once a fortnight, and their officers had not the knowledge which should qualify them to distinguish between the criminal and the really deserving vagrants. The question was how should this discrimination be exercised, and the suppression of vagrancy be attempted. His hon. Friend (Dr. Brewer) had referred to the system in France; but had not alluded to the *dépôt de mendicité* outside Paris, where these classes were treated. Falling into the hands of the police, vagrants were regarded as guilty of an offence against the law and were sent to this depôt, where they were detained for varying periods and were immediately set to work, the employment being suited to the capacity of the weakest and the most ignorant. At his visit one fact struck him as of great importance. Here was the one workhouse of Paris, containing no more than 900 persons of both sexes—little more than half the number in the casual wards of London—and it acted as a great educational institution. Eight or nine different industries were practised there with success, and all the inmates were compelled to labour if they were capable of using their hands in any way whatever. Thus they acquired the habit of working, and when discharged they received 20 francs, sometimes more, and were told that with this sum they must either go home or put themselves in the way of getting work; and if they came there again they were detained for a longer period. He saw there persons who in England would be considered wholly incapable of any kind of labour; but at this institution labour of some kind was found for them, and that labour was most beneficial to them and, in its after results, to the community. An able Minute written by the late Mr. Charles Buller had been quoted; but one passage had been omitted which deserved consideration. He said—

> "The task work prescribed and found useful where it has been properly applied has, from its being only occasionally enforced, exercised no general influence as a test; and the laws against vagrancy and disorderly conduct have failed to produce the effect of repression."

Now, those words, used in 1848, were, he thought, quite applicable to the year 1870. The truth was, the machinery for the repression of vagrancy was wholly inadequate. The question of vagrancy was, he might add, not properly speaking a Poor Law or charitable question. Means might be found even under police administration to provide that those who became accidentally destitute, or who were honestly endeavouring to work for a living, should be taken care of with the tenderness which their misfortunes might justify. He held in his hand, however, a report which was not long ago made to the Guardians of the Whitechapel Union by the clerk of the Union, who was a very competent authority on the subject. In that report he stated that 64 persons were relieved in the casual wards on a certain night, and that of those only one could be said, in the strict sense of the word, to be a wayfarer; and 54 had no present place of residence to which they could resort as such. They might very fairly, he thought, be classed as professional vagrants. The same gentleman, in a more recent report, said—

> "When it is stated specifically that of the 71 vagrants relieved last night, Monday, the 25th of October, in the houseless poor wards, 55 were, upon observation by my instruction, found to be personally known to the superintendent as persons who had been one or more times relieved in the same ward, and, generally, that fully two-thirds of the vagrants there relieved are personally known to the superintendent as habitual wanderers or professional vagrants, it will be apparent that the increase is in the more worthless class, and that, in the main, the increase is attributable to the attractiveness of the relief itself. This is even more strongly illustrated by the fact that during the year ended the 29th of September, 1869, no fewer than 205 vagrants were convicted from the wards of this Union for refusing or neglecting to perform the task of work required from them or for destroying their clothes — several having been convicted more than once, and one four times."

He had himself paid a visit to the vagrant poor in that part of the town, and he found it was the custom to issue tickets for the vagrant ward at 7 o'clock in the evening; but he observed that those tickets were not used until 12 o'clock. The fact was that many persons used the vagrant ward as their hotel, and spent the evening at the public-house or the theatre. As soon as that fact had been ascertained other regulations were made; but he ventured to say that no regulations would prove of any avail short of a labour test and detention in dealing with a population to whom any amount of deprivation was preferable to honest work. He earnestly hoped, therefore, that the Poor Law Board would direct their attention to the subject, and endeavour to frame some measure by which, at all events within the metropolis, a great institution should be established which would apply the educational labour test to our casual poor.

MR. WHEELHOUSE said, he could not help thinking that if the Acts now in operation were stringently enforced, we should soon arrive at such a weeding out of those who might be regarded as belonging to the criminal classes as to leave very few difficulties in our way. One great evil was, that there was not any general test adopted throughout our workhouses with respect to those who went to them, and he had little doubt that if a line of demarcation were clearly drawn between the criminal classes and those who might be regarded as our pauper population—those who were the really houseless poor—much would be done to provide a remedy for the state of things of which we had at present to complain. He should, however, be the last man to say that a wayfarer, strictly so called, and a man easy to be distinguished from the professional mendicant by those who had any fair aquaintanceship with the appearance and manners of each—such an one going from place to place in search of work, should not be regarded as following a reasonable occupation. During the cotton famine men were at perfect liberty to go to such places as London or Leeds in search of work, and the argument of the hon. Member for Peterborough (Mr. Whalley) was therefore, he contended, founded on erroneous premises. At the same time that class of paupers who spent one-half of their time in prison, and the other half out, and who used their time out of prison in qualifying themselves for a return to confinement, ought to be looked after by the police. Until the line of distinction which he indicated—and it was not one difficult to mark out—was drawn and kept up by very stringent regulations, the class of professional beggars would, he was afraid, continue to increase—alike to the detriment of the country and of themselves.

Mr. WALTER said, there was no doubt that vagrancy was becoming an organized profession among certain classes of the community, and he could add nothing to what had been so ably expressed by his hon. Friend the Member for Westminster (Mr. W. H. Smith) with regard to the necessity of putting it down by such means as it could be most effectually dealt with. He must, however, enter his emphatic protest against the doctrine which had been put forward by the hon. Member for Peterborough (Mr. Whalley) that every man who could give no account of himself, except that he was going from place to place in search of work, should be laid hold of and sent to gaol. He himself had met persons of that class who had stopped him on the road, and who, when he had asked them what they were about, replied that they had been travelling on the look out for employment for so many weeks from distant parts of the country. He had taken them at their word and had given them work, and he was bound to say that they had done it as honestly as any other labourers on his estate. To speak of such men, then, in the wholesale manner in which the hon. Member for Peterborough had spoken of them—as being only fit for gaol—was, he thought, neither in accordance with the liberty of the subject nor with common humanity. He would mention to the House the plan which he himself had adopted in the absence of any better means of dealing with the question, and it was one, in his opinion, deserving of consideration. He had made a rule never to give relief to "tramps," as they were called, whom he found begging on the roadway. When he came across a man in that position he gave him a note to the superintendent of police of the nearest town, with instructions to the policeman to inquire into the case and find out whether it was one worthy of relief. That plan he had found to answer perfectly well. A rule of that kind might be adopted in the absence of any legal provision to meet the difficulty which at present existed, but he hoped his right hon. Friend at the head of the Poor Law Board would provide such a mode of dealing with cases of this kind, as would enable persons whether resident in the country or in towns to feel themselves conscientiously at liberty to decline altogether to give money to this class of people.

Mr. GOSCHEN said, it would have been more satisfactory to him to have seen this subject of vagrancy dealt with in a Government Bill, had the pressure of business allowed of the introduction of such a measure, instead of its being brought under the notice of the House by the present Motion. The question had seriously occupied the attention of his right hon. Friend the Secretary of State for the Home Department and himself, and they were aware that there were several important points connected with it which ought to be, and they hoped would be, dealt with by the Government. His hon. Friend the Member for East Suffolk (Mr. Corrance) asked whether there had been any co-operation in regard to this subject between the Poor Law Board and the Home Office, assuming that there was divided responsibility and divided action. He could, however, assure his hon. Friend that such was by no means the case; but that, on the contrary, the two Departments had been in constant communication with a view to devising some scheme by which the evils complained of might be remedied. Yet he would frankly state that the co-operation of the Home Office and the Poor Law Board was not sufficient to put down vagrancy, for there was another power which could contribute far more effectually to put it down—namely, the public themselves. Unless the public co-operated it was impossible to hope to deal satisfactorily with the subject. His hon. Friend the Member for Colchester (Dr. Brewer) had spoken of the effect on the houseless poor of opening the private refuges in London, and, indeed, those refuges had as much influence on the spread of vagrancy as the casual wards of the workhouses. When no provision was made for the houseless or homeless poor of the metropolis—as his hon. Friend preferred to call them, there was every reason why benevolent individuals should encourage private refuges, as many harrowing stories were told, and told truly, of accidents happening in consequence of persons coming to town and being unable to find a lodging for the night. It should be borne in mind, however, that in the refuges there was no discipline and no test whatever, and it was curious to observe the effect which the opening of these establishments during the winter had upon the casual wards. Anybody who glanced at the statistics of pauperism in the metropolis would perceive that about December when pauperism increased, there was a sudden decrease in the number of those who frequented the casual wards. The reason was, that they transferred themselves to the more comfortable wards of the refuges, where there was no labour test. Vagrants always selected days and places with remarkable care. Thus their favourite day for going into the casual wards was Saturday, because there was no task of work to be performed on the Sunday morning. With much of what had been said concerning the evils of casual wards it was impossible not to agree, but it was necessary to choose between them and the evils which would arise if they did not exist. It could not be denied that there was a large class of persons who slept in the wards instead of going to lodging-houses, and he might mention that as he was walking home one night past the workhouse of St. George's, Hanover-square, he heard one vagrant say to another—" Hullo! where is the hotel?" There were a number of vagrants who regularly went their rounds night after night from one workhouse to another. The same class slept in the lodging-houses as in the casual wards. Sometimes when they were in possession of a certain number of pence and were anxious to be out early in the morning they went to the lodging-house instead of the vagrant ward. But what would be the result if these casual wards and refuges did not exist? He might state, as a matter of fact, that in 1844 and 1846 as many vagrants were maintained in the metropolitan workhouses as at the present moment. And here he must say a few words respecting the mode in which the statistics of vagrancy were kept. There was a great deal of fallacy in casting up the number of admissions, as was constantly done. Suppose, for instance, there were 1,000 permanent paupers in the metropolis, they would change their quarters every night, and, as there were 365 days in the year, the number of admissions would be 365,000. Of course, anyone who examined the question with care, as his hon. Friend the Member for Colchester had done, would distinguish between the admissions and the number of vagrants; but some persons failed to draw this distinction and, in consequence, made the grossest exaggerations. In point of fact the actual number of vagrants was not so great as was popularly believed. The returns lately made showed that there were between 1,200 and 1,600 in the metropolis, and he hoped, therefore, that the figures cited by the Member for Colchester respecting the number of admissions would only have their proper weight on the public mind, and that nobody would run away with the idea that there were hundreds of thousands of vagrants in London. The vagrants in the metropolis constituted a large portion of the total vagrancy of the country. Memorials had been sent to the Home Office and the Poor Law Board stating that the vagrants in the whole country might be counted by hundreds of thousands; but here, again, the mistake had been committed of confounding the number of vagrants with the number of admissions. In truth, the number of vagrants had been accurately ascertained by reckoning up the numbers admitted into the wards on two nights in the year, and it appeared that the whole number of vagrants, including the metropolis, varied from 6,000 to 7,000. It might be said, however, that, according to the police returns, the number was 32,000 or 33,000, but it should be remembered that they included persons who were tramps and vagrants, but who slept in lodging-houses at their own expense, and who, consequently, were not vagrants at all in the sense in which the Poor Law Board used the word. The police included under the term vagrant all professional tramps or persons without visible means of subsistence and no fixed place of residence, and who slept within the police district on a given day; and a great many of these were simply tramps, who moved about from place to place, sleeping in common lodging-houses at their own expense. The hon. Member for Colchester had alluded to the heavy burdens which the metropolis had to bear in consequence of vagrancy, but, as a matter of fact, the actual cost of the vagrants to the metropolis was only about £6,000 for the half-year, or about one-sixteenth of a penny in the pound for the whole year. He admitted, however, that there were serious questions connected with vagrants apart from the mere cost. No doubt many of them became permanent paupers; for when a vagrant fell sick he went into the workhouse, choosing the workhouse and infirmary where he thought he would be best treated. In London there was a certain class of permanent casuals, who, though varying the ward where they slept, never thought of migrating from one part of the country to another; whereas in the country there were numbers of tramps gaining a livelihood as hawkers, or by other trades, and who, when they fell sick or failed to procure work, applied for a night's lodging at the public expense. The hon. Member for North Warwickshire (Mr. Bromley Davenport) spoke of various plans which had been tried in order to check vagrancy in the country, and seemed surprised that, notwithstanding the bad fare and miseries to which the casuals were exposed, they should persevere in that mode of life. These vagrants did not mind going into a very bad casual ward at night if they thought there were soft-hearted people in the neighbourhood who would assist them on the road. Therefore it was impossible, by laying down stringent rules respecting the casual wards, to put down vagrancy unless the public co-operated by refusing to encourage vagrants during the day. Revelations had been made as to the manner in which the London casuals spent their day. Every hon. Member, indeed, must have seen men loitering about the parks without any apparent object. These men went about from ward to ward for their night's lodging. The proposal now before the House was to transfer the charge of vagrants from the guardians to the police. But that proposal involved other considerations, and it was important that these should not be lost sight of by the House. There were two principles from which we never departed in this country—one was respect for the liberty of the subject, and the other the recognition of the right which the law had conceded to every man to be supplied with the first necessaries of life at the public expense. As long as those two principles were maintained in England it was useless to establish comparisons with other European countries, as in scarcely any one of them were these principles in full force. The hon. Member for North Warwickshire had spoken of various remedies that had been tried, and of one which had not been tried. For his own part he confessed that there was one remedy which he felt strongly disposed to try and that was the power of detention. But the House must not blind itself to what was meant by the power of detention—it would be called a kind of imprisonment. Hitherto, in this country Parliament had only been willing to permit the detention of vagrants for a period of four hours, though in Scotland, he believed 24 hours' detention was possible. He believed that it was by looking more to stringent powers of detention than to any change of the body which administered the law, that a remedy would be found for the evils which were complained of. A power conferred upon the guardians of detaining paupers would be a stronger measure than the administration by the police of the law as at present existing. When persons talked about the police dealing with vagrants they might mean one of two things—either that they considered the police more likely to discover whether the applicants for relief were criminals or deserving objects, or that they were willing to give to the police more effectual powers of dealing with the vagrant class than those which now existed. But as matters at present stood there was no adequate power of detention, and the provisions of the law which had been quoted by his hon. Friend the Member for Peterborough (Mr. Whalley) were in one sense so exaggerated and in another so defective, that the police were unable to prosecute and secure the conviction of vagabonds. In many parts of the country magistrates had not, indeed, done all which they might have done in the way of punishing vagrants, being deterred by the charges which would be imposed upon the county if the vagrants were detained for any time. The most, therefore, had not been made even of existing legislation. But there could be no doubt that, with regard to persons having no visible means of obtaining a livelihood, and with a fancy for sleeping in barns and outhouses, there was either no available means of reaching them by law, or else the provisions which might be appealed to were so stringent that it was almost impossible to apply them. As a matter of fact it was not an offence, under the law, to be without any visible means of obtaining a livelihood; but the offence was to be wandering about at night, or sleeping in a barn or out-house without any visible means of existence. It might be useful to consider the expediency of adding to the definition of "rogue" and "vagabond," so that a certain number of applications for relief, or the passing of a given time in casual wards might, when these circumstances were brought under the notice of a magistrate, constitute an offence under the Act. It certainly appeared to him (Mr. Goschen) that this indiscriminate practice of using the accommodation which the Legislature had provided for quite a different class might be treated as an offence. He candidly avowed that if Parliament were inclined to concede power to detain paupers for a longer time than they were now detained, and to keep them at work, he believed that would be a very effectual means of diminishing vagrancy and pauperism. The House would remember that a pauper using a workhouse stood in precisely the same position relatively to the workhouse as a vagrant. The pauper must be taken in at any time when he applied, and could not be refused relief, and he could equally discharge himself at any time, the authorities being powerless to control his movements. It frequently happened that a particular workhouse was full of men and women for a long time, and then, when harvest-time came, they all took their discharge; not a single able-bodied person was left to discharge the necessary duties, and the guardians were actually obliged to hire servants for the purpose. There was no reciprocity—if he might use the phrase. The pauper had it all his own way; he came in when he liked and went out when he liked; and it was notorious that if there were a fair or any other proceeding in the neighbourhood in which the paupers took an interest, they would, as regularly as possible, discharge themselves in the morning and present themselves for re-admission in the evening. This was an abuse which had frequently been brought under the notice of the Poor Law Board; but it would be effectually checked if Parliament allowed paupers to be detained for a longer time. Of course, such a power must be discreetly used, or it would be very liable to abuse; and in former times it was said that to compel a man to remain a certain time in the workhouse and not let him go out when he chose was something exceedingly like imprisonment. But it might be fairly argued that a bargain was made between the pauper and those who supported him—that he was to be at liberty to enter the workhouse or the casual wards, but if he did enter that he was to remain for such and such a time. It was often supposed that paupers did not like the accommodation provided for them in the workhouse; but the fact was the standard of accommodation fixed by the humanity of the Legislature was higher than the casuals themselves cared for. As long, however, as the doctrine was held up that we were to provide lodgings for all that were homeless, that state of things would continue; and rightly so, for he did not believe that mere discomfort would do any good; the only way, in which valuable results could be hoped for, was to interfere with the roving habits of the vagrant class, by detaining them longer than at present within the workhouse walls. As regards the employment of the police, there were certain difficulties which he must point out. The hon. Member for Colchester had very fairly raised the question, and everyone who heard him must have felt that he had devoted an enormous amount of time and labour to this investigation. But it was idle to talk of organization such as existed in Prussia or in France. Our police were not like the police of those countries, and, train them as we might, they never would be. Besides, our public opinion was different; our principles of law and the whole of our social arrangements diverged so widely from the Continental model that we could not hope, we could not even wish, to follow that model in all respects. It was said, however, that the police would be able to discriminate better than the present officials between the different classes of applicants. Let him put before the House the circumstances as they would happen. At 7 or 8 o'clock in the evening a casual would apply for relief and say—"I am totally destitute." How was it possible at that hour to discriminate as to the class to which he properly belonged? In the morning such discrimination would be possible, and the power of detention, if granted by the House, would enable an offender to be dealt with accordingly. In London, where a great many vagrants were known to the police, it might be possible to discriminate at first sight; but in the country neither the guardians nor the police knew until morning what the character of the vagrant was. If the principle were laid down that the deserving vagrants were to be relieved by the guardians, and the undeserving vagrants and semi-criminal classes by the police, this would require two establishments in every Union, would lead to serious expenditure, and it was by no means certain how it would work. If the plan, which had been sketched out, of handing over the relief of vagrants to the police were adopted, it would be necessary to build from 700 to 1,000 vagrant wards over the country at large, because it would be necessary that these should be at certain distances from each other. There ought at present to be vagrant wards in every Union; but those existing were often distant 15 or 20 miles from each other, and it would be impossible to diminish their number. He left it to the House to say whether it was desirable that there should be separate establishments for vagrants, quite apart from the workhouse, in every Union—establishments, moreover, which must be on a capacious footing; for it was impossible to tell beforehand on any day whether the numbers would be 20 or 100. The police might co-operate with the guardians, and this had been done with good effect in some cases. As regarded the metropolis, he had been in communication with the Chief Commissioner, and ascertained that there would be no great difficulty in the police and representatives of the ratepayers working together. But in the country attempts of a similar kind had been made in many Unions, and in several instances had been abandoned. At first, the joint system proved very effective; but when it was found that the police were merely "harmless scarecrows," and were, if anything, easier than the relieving officers, the good effects wore off. It was against experience that the police, in the distribution of relief, were at all discriminating. They had to be specially educated for the duty before they could discharge it with efficiency. At the same time, he did not reject the idea of utilizing the police as far as possible. In many Unions, there were cases in which it would be useful if the vagrant ward were at the police-station, and not at the workhouse; that was to say, where the staff of the workhouse could not successfully cope with the numerous vagrants. In Wales, where their numbers were exceedingly large, frequent complaints had been made that the staff, consisting probably of a feeble old porter and another officer, were quite unable to enforce anything like discipline. There were also other cases in which the co-operation of the police would be useful; but he was satisfied that, to put the vagrants under the police throughout the country would, in the first place, be very expensive, and would not lead to that discrimination which all admitted to be exceedingly desirable. But he relied more on the power of detention than on any other alteration of the law. He had, he hoped, said enough to show that this subject seriously occupied the attention of the Government, and that they were alive to the evils which existed, which, indeed, had existed throughout English history, and sometimes to a greater degree than at present. The hon. Member for Colchester, in his historical retrospect, spoke of the harshness of the law againt vagrants; but these old laws were not only harsh against vagrants, but against people who gave them alms. Thus, in the reign of Edward III., any person giving alms to such as were able to work was liable to imprisonment; and, in the time of Elizabeth, a fine of 20*s.* was imposed on those who gave alms. This showed that the very subject which now occupied so much of our attention had also engaged the attention of our forefathers. He could only repeat that it was hopeless for himself or others to deal with the question of vagrancy and pauperism, unless public sentiment was with them. This country more than any other valued every single life, however poor and miserable. He trusted the country would always maintain that feeling; but, at the same time, he was convinced it would be impossible effectually to deal with the most pressing evils of vagrancy unless the public guarded themselves against the exercise of indiscriminate charity. He hoped his hon. Friend would not press his Motion to a Division.

SIR MICHAEL HICKS-BEACH said, the discussion had turned upon the theory of vagrancy rather than upon any practical remedy. The speech of the right hon. Gentleman who had just sat down was certainly not open to that remark; but after listening to that speech, he was far more prepared to approve of the proposal of the hon. Member for Colchester than of the remedy suggested by the right hon. Gentleman. He was glad, however, to hear that the Poor Law Board were really in earnest in this matter. The subject was referred to in their Report of this year; but scarcely, as it appeared to him, in sufficiently strong terms. In that Report it was stated that the vagrancy of the metropolis showed a comparatively small increase; that in the country at large there was no material increase; that the present arrangements were unsatisfactory; that there should be more uniformity of treatment, and better means of communication between the various authorities who had to deal with vagrancy, and that a more uniform system should be appointed by law. He regretted that the Government had not introduced some measure dealing with this matter; but some active steps might have been taken by the Poor Law Board, without bringing in any Bill on the subject. Not long before the late Government quitted Office a circular was issued by the Poor Law Board, to the various Unions throughout the country, relative to vagrancy, recommending the keeping of a register, a uniform task, a uniform diet, and separation, as far as possible, for vagrants. It also explained the ticket system for one class of vagrants, to which he would afterwards refer. That circular was issued with the desire that Guardians should state in reply any difficulties they might feel in dealing with the matter; and, if no reason appeared to the contrary, the recommendations contained in it were to be made compulsory by a General Order at an early period. But 18 months had elapsed, and this had never been done. In dealing with vagrancy there must be a uniform system throughout the country. Vagrants should not be able to go to one workhouse and find a larger or better diet than in another workhouse, while at the same time no work was exacted. Vagrancy could not be checked in England without uniformity of treatment, and that could only be secured by a General Order from the Poor Law Board, which should be compulsory on all Boards of Guardians. The right hon. Gentleman at the head of the Poor Law Board might, with every propriety, have issued such an Order, the more especially as a system, similar to that recommended in the circular, had been in existence over the metropolis without any difficulty for some time past. There would also be less difficulty in enforcing uniformity of diet upon those who were received only for the night and morning than upon paupers who remained in the workhouse for a lengthened period. Another point recommended in the circular was discrimination between those who were really destitute and those who were not. If discrimination were construed too harshly some vagrants would receive no relief. Then came the necessary consequence. The public found it out. Cases of hardship occurred, and the public sentiment, instead of putting down vagrancy, encouraged it by giving alms to those who begged. On the other hand, discrimination might not be exercised at all, and persons might be received who had means to find their own lodging at night. The best rule that could be laid down, he thought, was that relief should be given in all cases to the really destitute, and when that was done some work should be exacted. The public would then know that all who applied for relief received it, and would be less tempted to give alms generally to those who beg. With respect to those who were travelling through the country to obtain work he thought they should be encouraged as much as possible. With this view a ticket system had been adopted in the county he represented. If one of that class came to a workhouse overnight, and without a ticket, he was obliged to remain four hours on the following morning, and do a certain amount of task work. He would inform the master of the workhouse to what part of the country he was going, and would then receive a ticket, on the presentation of which at any workhouse on the line of journey the person seeking work would receive relief without performing the task of work. So much for those who were *bonâ fide* travelling in search of work; but with respect to habitual vagrants, he thought the magistrates of every county should be more careful than they had been in carrying out the existing law. In some counties greater strictness in this respect had been attended with very beneficial results. The Reports of Inspectors of Constabulary for the last year showed that in Gloucestershire, since the system of ordering the police to apprehend vagrants had been adopted, cottage robberies had decreased in number. In Lancashire, Cumberland, and Westmorland the same plan of apprehending vagrants had been adopted with good results, and the uniform adoption of such a system would soon put an end to systematic vagrancy. As to the point more particularly recommended by the hon. Member for Colchester he (Sir Michael Hicks-Beach) believed it was pretty generally admitted by those who had considered the question that the police were the best relieving officers of vagrants, because by far the greater portion of the vagrants were professional tramps In the Union in which he resided (North Leach), the county of Gloucester had a long disused prison, which the Poor Law Board and the county had permitted the guardians to use for vagrants, who were placed under the care of a superannuated county policeman. It was found to answer admirably. During the 12 months previous to the 28th of November, 1868, when the prison was adapted for use, the number of vagrants relieved amounted to 1,242; in the following year there was a considerable addition, owing to the fact, probably, that the work of checking vagrancy was comparatively new to the police, who were not as strict as they might have been. In the first six months of the present year, however, there had been a very large decrease in the number of vagrants relieved; they were 400, as compared with 600 in the six months of the previous year, and the result showed what had been stated by the hon. Member for South Norfolk (Mr. Read), that the police were specially fitted for the work. But the transfer of vagrants to the police would have to be accompanied by further alterations of the law. The present incidence of vagrant relief would have to be altered, and the system of placing it on the Common Fund, as in London, would have to be adopted throughout the country, by transferring the charge for vagrants from the poor rate to the county rate. Statistics showed that, while the increase in vagrants relieved throughout the country had been as much as 50 per cent during a period of two years, in London, where they were under the police, and the relief was drawn from the Common Fund, the increase in the same time had been only 11½ per cent. There could be no objection to extending the area of chargeability for purposes of vagrancy, because local knowledge, so much insisted on for ordinary cases of relief, was useless in the case of vagrants who tramped the country. The President of the Poor Law Board had suggested a policy of detention, but this would be attended with great difficulty, and would probably tend to increase promiscuous alms-giving. If a vagrant excused himself from going for relief to the proper officer and submitting to detention, on the plea that his wife was sick and 50 miles away, and he was anxious to go to her at once, the sympathy of the charitable would be raised and alms would be given him. He believed that great good would result from the general adoption of separate cells for vagrants, as in the case he had referred to. The Unions of Richmond and Oswestry had a similar plan, whereby the vagrant was put in a separate ward by night and by day. This was a welcome arrangement to the legitimate tramp in search of work, because he was not herded with the professional vagrant; and it was a check upon the idle, because the officer could see that he did his fair share of work. Besides, it was well known the professional vagrant delighted in the society of the ordinary casual ward. The right hon. Gentleman had referred to the expense; but at a Union quoted by one of the Inspectors of Constabulary in 1868, the cost of building separate cells of the kind was £450; and the Inspector said the building might be put up for £350. He added that each vagrant earned his food, and there was a clear profit on the stonebreaking of 16*d.* per cubic yard. He agreed with the right hon. Gentleman that it was useless for the Government or Parliament to exert itself unless the public assisted in the matter. As long as the public persisted in giving to an idle, dissolute class, so long would vagrancy continue; but he firmly believed that if some uniform system of relief were adopted throughout the country, by which the public were assured a certain amount of relief for a certain amount of work was given to each applicant, promiscuous charity would be checked, and the object in view would be obtained.

Colonel DYOTT said, he had listened with great satisfaction to the speech from the Treasury Bench, and he desired to tender the Government his sincere thanks for the policy which the right hon. Gentleman had announced. With reference to the proposal immediately under the consideration of the House—to substitute the police for the relieving officers—he begged to express his entire disapproval of it; but he attached the greatest value to the plan of detention sketched by the right hon. Gentleman. He would like to see casual wards attached to every Union workhouse; and he believed that the power of detention in the case of those who applied for admission to the wards, coupled with the punishment as rogues and vagabonds of those whose statements were found to be untrue, would do much to check the vagrancy which was now so common.

Sir JAMES LAWRENCE said, he thought that the fact ought not to be lost sight of that much of the vagrancy existing in the metropolis was due to the sudden collapse of the shipbuilding trade in the East-end of London, whereby of 20,000 men all but about 700 were thrown out of employment. He was glad to find that his right hon. Friend the President of the Poor Law Board to some extent had accepted the principle laid down by the hon. Member for Colchester (Dr. Brewer), and that he had expressed himself favourable to the detention of vagrants; because this detention, though it ought not, in his opinion, to exceed 48 hours, he regarded as the chief means of repressing vagrancy. If some such course as that recommended by his right hon. Friend the President of the Poor Law Board were adopted, they would, he believed, find vagrancy very much diminished, and be able to give an account very different from the painful story which had been laid before the House that evening by the hon. Member for Colchester.

Amendment, by leave, *withdrawn.*

PALACE OF WESTMINSTER—DISMISSAL OF MR. EDWARD BARRY.

RESOLUTION.

Mr. COWPER-TEMPLE rose to call the attention of the House to the Correspondence relating to the dismissal of Mr. Edward Barry from his employment as architect of the Houses of Parliament, and to move a Resolution. He said, it was with reluctance that he ventured to bring forward this subject; for the discussion of personal matters was distasteful to him. But as he had himself been responsible for Mr. Barry's appointment as architect of the Houses of Parliament, he felt it his duty to defend the propriety of that appointment, and also to call the attention of the House to the circumstances under which, as he thought, Mr. Barry had been harshly and severely treated. In the year 1860, when Sir Charles Barry died, a considerable portion of the building in which they now were was still incomplete, and under contracts then in existence. It seemed natural that the architect who should be selected to complete the work then in progress should be the son of Sir Charles Barry, who was then professionally associated with Sir Charles, was in possession of all his views, and in a position to carry them out successfully. Mr. Edward Barry was at that time an architect of considerable reputation. He had already built Drury Lane Theatre, not to speak of other works; and the ability he possessed had since been patent to the world, for he was in the remarkable position of having in the last two competitions for public buildings, open to a chosen number of the best architects, got the first premium in each—in the competition for the National Gallery the first premium absolutely; in that for the Courts of Law the first place for the excellence of his plan and arrangements, although his elevation was not considered so good as that of Mr. Street. The general estimation, therefore, in which Mr. Barry was held in his profession would be quite sufficient to justify his appointment. The simplest way to explain the nature of the engagement he was under was to refer to the annual Estimates of that House. In them the works under his charge were kept distinct from those under the Clerk of the Works or the Surveyor. In the last year's Estimates the works to be executed under the architect of that House included the alterations in the Central Hall, in the Royal Staircase, in the Queen's Robing Room, and in St. Stephen's Crypt. It had always been in the discretion of the First Commissioner of Works to determine what particular works in the Houses of Parliament ought to be placed under the architect, and what works he thought would be sufficiently cared for under the Clerk or Surveyor of Works, and he apprehended that all Mr. Barry had a right to expect was that, whenever a professional architect was employed in reference to the Houses of Parliament he should be that architect. But he had no particular agreement as to what works they should be; that was left entirely to the discretion of the First Commissioner of Works. Then it must be observed that Mr. Barry, like his father, had no salary. He was remunerated by the ordinary commission of 5 per cent on the works executed. The works allotted to him might be classed under three heads. First, there were special works, such as those which he carried out after the death of his father and which were designed by Sir Charles Barry; also the completion of New Palace Yard, Mr. Speaker's Stables, the Subway, and such works as would naturally be confided to the architect of that House, and which must necessarily be so treated. Secondly, there were those alterations in the Houses of Parliament which might be deemed essential for their completion, for example in the staircases and in the Central Hall—alterations that illustrated the very skilful manner in which Mr. Barry had brought light into the corridors extending between the two Houses of Parliament. The corridors were for a long time very obscure, but at last an ample flood of light was introduced to exhibit the pictures adorning the walls of the corridors, and to remove from the building the reproach of darkness which had fairly attached to it. Then there were the works in which it was necessary that he should co-operate with sculptors and painters in decorating the Houses of Parliament. At first sight that might not appear to be the special province of an architect; and yet if the matter was considered it would be seen to be requisite that there should be a competent person connected with the building to give general direction and combined action to the artists who might be employed for its decoration. They had a familiar instance of that necessity in what occurred in the Royal Gallery. The Fine Arts Commission had given orders for a series of statues representing the Sovereigns of this country, to be executed in a style and of a size that should seem best suited for the purpose, but they had not taken the architect into their counsel on the method of adapting the niches to the reception of the statues. When, however, a considerable number of the statues were completed, and when the time came for placing them in their position Mr. Barry, who was then in charge of that part of the building and who was consulted on the subject, after various trials and alterations in the pedestals and niches, pointed out that by putting the statues in that particular place the general effect and beauty of the gallery would be injured; and, accordingly, it was found necessary at the last moment to transfer them to Westminster Hall, for which they were better suited. That was an example of the value of the advice and assistance of the architect. It might have been better if he had been consulted rather earlier in the matter, and enabled to give his opinion before the statues were completed; but if there had been no architect, and the sculptors only had been consulted as to the position of their statues, the general effect of harmony between the architecture of the Hall and its decoration would have been marred. The third class of duties performed by the architect of that House referred to consultations about any proposed changes. When Committees of the House sat on such subjects as the arrangements of the House, the propriety of enlarging the building, providing a new refreshment room, or similar alteration, Mr. Barry was naturally consulted, and was always ready to give his services in the most accommodating manner; and hon. Members who had acted on those Committees would remember what diligence, attention, and trouble Mr. Barry bestowed upon the ideas consecutively thrown out by them, and with what intelligence and ability he put those ideas into practical form. For all those services Mr. Barry had received simply the ordinary commission of 5 per cent on the works actually executed. As it happened that those works had been small in extent and of very little cost, his remuneration had, consequently, been proportionately small in amount. Perhaps some hon. Members thought there must be some peculiar extravagance in the method of paying the architect of the House; but if they would turn to the Votes and Accounts for successive years and would calculate the commission of 5 per cent on the works executed by Mr. Barry—putting out of consideration for a moment the special works outside of that building, which he had previously enumerated—they would find that during the last 10 years the commission paid to Mr. Barry amounted to an average of less than £300 per annum. Out of that £300 he had to defray the ordinary expenses of an office in the neighbourhood of that House, and also to pay a clerk, whereby he was left very nearly in the position of working gratuitously for that House. Those expenses would have been small in proportion to his commission if Mr. Barry had had very large works to execute; but, as it was, and allowing for those expenses, probably he had not received for his personal services more than £150 per annum on the average during those 10 years. Their arrangement, therefore, with the architect of the House was certainly an economical one, for they had a man in the foremost rank of his profession, who had given much time to the study of that building, who was acquainted with every corner and cranny of it, who had made it his special labour of love, and who was therefore able to bring to bear his experience as well as his taste on any proposal for making alterations in it. They had the power of consulting that architect on any question that might arise at any moment, and that, too, for no money payment as regarded his opinion; but for only £300 a year in the shape of commission on the works he actually executed. So that really what they had in Mr. Barry was an honorary architect, not paid by any definite salary from the public. Almost all the great buildings of London had attached to them a permanent architect at a salary; and in the case of a building of that sort, with its vastness, its intricacy of detail, with so much in it that constantly suggested alteration, it did seem to him a very great advantage to have what was equivalent to an honorary architect ready at any moment to give them the benefit of his advice and experience. If, therefore, it was now the wish of the First Commissioner of Works to substitute another architect for Mr. Barry, he ought to show some very good reason for making that change. The original appointment of Sir Charles Barry was the result of a competition to which all the world was invited; and Mr. Barry himself, when he entered the lists with other competitors, had shown that he was a match for any man who went into the field with him, Moreover, he came with this advantage over every other architect, that his mind was thoroughly penetrated with the style of that building, and thus specially qualified to execute any changes in it which might be deemed requisite. He (Mr. Cowper-Temple) did not think the choice of the style in which that House had been built a very happy one. Instead of that very elaborate and minutely florid style he should have preferred something severer, grander, and broader in its general treatment. But whatever might be said against the style actually adopted, no one could doubt that it had been carried out most perfectly and most consistently throughout. And it would be most unfortunate if any architect were to be called in who had not so entirely imbued his mind with the spirit in which that building had been designed, who would introduce incongruities into it, or who would mar the great merits which everyone recognized, and which made it one of the most remarkable structures of our time in Europe. That having been Mr. Barry's position at the end of last year he received an official circular from the Office of Works in his capacity of architect. He was without suspicion of insecurity with regard to an appointment which he had held for 10 years, when he received a letter from the Office of Works—the first of the series laid before the House. It was dated January 22, and contained two paragraphs—one informing Mr. Barry that the New Palace of Westminster would, from the 31st of March—

> "Be placed entirely in the charge of the officers of this Department, and that the Estimates for that service for the ensuing year will, therefore, be prepared on their responsibility."

The next paragraph was as follows:—

> "I am further to inform you that the First Commissioner will be obliged to you to have all the contract plans and drawings of the Houses of Parliament, and all other papers necessary for affording a complete knowledge of the building, and of the works carried on in connection therewith, arranged together, and deposited in the office of the Clerk of the Works, in order that they may, when required, be at once handed over to this Department."

This appeared to him (Mr. Cowper-Temple) to be a very remarkable document. It contained two propositions, which the First Commissioner had no right to make. He could not claim any authority to depart from the conditions expressed in the Estimates of last year—namely, that certain works were to be executed under the architect of the House. The First Commissioner, however, assumed authority to withdraw from Mr. Barry the execution of the works sanctioned by the House. In specifying the 31st of March as the period when Mr. Barry's duties were to cease, the First Commissioner had, moreover, named a time when the contract works confided to Mr. Barry were not closed. Some of these contracts were only to be finished by the end of April, and after that time a certain period must elapse before the architect could give his certificates. This summary dismissal, therefore, appeared to be an infringement of what that House had a right to require from the Executive charged with carrying out the plans approved by them. He was not sure, indeed, that the money would have been voted if it had been stated at the time that Mr. Barry was not to have the execution of the works, because it was voted upon the understanding that the money was to be expended on the responsibility of an able, experienced, and skilful architect. It appeared that the demand that all the plans and drawings connected with the new Houses of Parliament were to be given up involved a legal question, which would turn upon the nature of the contract between an architect and his employers. So far as it was a legal question he had no intention of dealing with it, because such questions were beyond the cognizance of that House. In the further correspondence on this subject, however, it appeared that Mr. Barry had acted in the fairest and most courteous manner. He said he could not give up what he looked upon as an inheritance from his father, and that he would not go against the unanimous opinion of his profession and the custom of the country. He added that he should betray his position as an architect in surrendering the original papers and documents connected with the building, but that he was willing to give the Office of Works any copies and tracings they might require. He thought he might say that Mr. Barry's refusal to comply with a demand of at least doubtful legality ought not to have subjected him to the treatment he had received in these letters. Mr. Barry had been guilty of no insubordination, and he had done nothing to deserve being treated in this contemptuous manner. Some time elapsed before Mr. Barry answered this letter of January 22, and he (Mr. Cowper-Temple) could well conceive that he was puzzled as to its meaning. If he had been guilty of any great breach of public duty, or any heinous offence, so terse a letter as that of January 22 might have been appropriate. The letter might have arisen from the appointment of Captain Galton to the office of Director of Public Works. It might be a prelude to the substitution of another architect or of a surveyor, assisted by the drawings. It might be a casual ebullition of bad temper, or have arisen from a contemptuous indifference to the whole question. Mr. Barry, when he did write, made a very fair appeal to the First Commissioner. He assumed that the letter had been written carelessly or hastily, and he supposed either that some explanation would be given of what was intended to be done, or that his implied dismissal would be withdrawn. Mr. Barry stated that he had not exceeded his estimates on a single occasion, although some of the works were such that it was not easy to foresee the expense. He (Mr. Cowper-Temple) could confirm that observation. During the time he filled the Office of First Commissioner of Works Mr. Barry had never exceeded his estimates. He had been most attentive in the discharge of the duties entrusted to him, and most accurate in his accounts. Mr. Barry further mentioned that he had never sought a salary for the discharge of the various temporary duties entrusted to him. He was ready to demand the strictest inquiry into his conduct, and he pointed out that the course taken by the First Commissioner was calculated to do him the most serious professional injury, which he had done nothing to deserve. When a professional man of great eminence after 10 years' service was dismissed, without any reason being alleged, people out-of-doors would not suppose that this had not been done out of mere caprice or from the desire of showing authority. Mr. Barry received, on the 7th of March, a letter containing the following passage:—

> "The First Commissioner desires me to add that he has not thought it necessary to enter into any discussion of the topics raised in your letter of the 10th ultimo, based upon assumptions which he does not recognise."

Mr. Barry had raised three topics of great importance to himself in his letter, which were, however, so immaterial to the First Commissioner that he did not think it necessary to enter upon them in his reply. Mr. Barry of course was not satisfied without getting some reason for his dismissal, and therefore he wrote a further letter, in which he said—

> "I had expected that my letter of the 10th ult. would, at least have been considered by Mr. Ayrton worthy of a reply, if not of his favourable consideration."

He then proceeded to state in more detail his reason for not wishing to give up the drawings. He said that the drawings and papers relating to the Houses of Parliament consisted of two classes—the first comprising those prepared by himself during the last 10 years, and the second the drawings, &c., made during the life-time of his father, Sir Charles Barry, and which were left to him by his father. Many of these, he said, were invaluable to him; he regarded them as a sacred deposit, and he could not believe the First Commissioner would seek to deprive him of this much-prized inheritance, but as the wording of the letters from the First Commissioner's office might be held to imply such an intention, he felt bound before finally replying to them to ask for definite information on the point. He added—

> "As regards the works now in hand and partly executed, I have already forwarded to you all the contracts relating to them."

Even then Mr. Barry did not get any further explanation. In reply to his letter, the Secretary of the First Commissioner, having acknowledged Mr. Barry's letter, said—

> "If you should think that any of these documents are a sacred deposit, which you ought to retain, you should state the fact to the First Commissioner, in order that it may be duly considered."

In his next letter, Mr. Barry, while declining to hand over the drawings, added—

> "I am, however, most anxious not to offer any impediment to his views, and I shall be happy to show all my drawings, &c., to the Director of Works, and to make tracings for his use of any of them of which he may require copies."

He should have expected that, when Mr. Barry made that offer, he would be met with some acknowledgment that he was dealing in a liberal manner; but the letter in which he made it was treated in the same peremptory and haughty manner as that in which his previous letters had been received. In the reply sent to him he was informed that the correspondence had been referred to the Solicitor for the Department. He ought to remark that the drawings which Mr. Barry refused to give up were drawings made by Sir Charles Barry during the erection of the building, and were not likely to be of any use whatever to the Office of Works. They did not relate to the plans for warming and ventilating the Houses. The latter plans had been made by Mr. Reed first, and afterwards by Dr. Percy. The drawings made by Sir Charles Barry had no particular utility in respect of the carrying out of the ordinary repairs of the building. Possibly they might to some extent be useful in respect of repairs connected with drainage. Whether Mr. Barry's refusal to give up drawings in which he had an interest as an architect, and also a family interest, should have exposed him to the curt and laconic treatment he had received, and caused letters to be written which were of a character very unusual in letters sent from a public office, was worthy of consideration. This was not merely a personal matter, though to Mr. Barry it was of paramount interest. He thought the House might properly and rightly interfere when they found an officer of the House, who for so many years had discharged his duty with efficiency, and had always shown a readiness to do all in his power to promote the convenience of Members, dismissed in so summary a manner. He submitted that the House ought to require that he should not be dismissed without ample reason, or, at least, without grounds which might be considered by hon. Members. In a long correspondence on this subject no explanation was given of the circumstance that Mr. Barry did not receive the information he asked for. But there were public grounds on which the House should go into this matter. Former Commissioners had sought to foster and improve art, and to secure the assistance of the most eminent architects and sculptors and painters, and had maintained friendly relations with artists, and with the Royal Academy and the Trustees of the National Gallery; but the present First Commissioner appeared to think it his duty to discourage art, as a source of expenditure. He looked upon artists as a set of persons who were always trying to put their hands in the public purse. He (Mr. Cowper-Temple) said that on the highest authority—namely, the authority of the right hon. Gentleman himself, because he (Mr. Ayrton) had been kind enough to make a manifesto to all the world on the occasion of his appointment to the Office. It was on an important—he might almost say a solemn occasion. In a very interesting speech the right hon. Gentleman told the electors of the Tower Hamlets that, at the moment of his presenting himself on the hustings, the Constitution required them to express not merely an opinion of himself, but of the conduct of the First Minister of the Crown in having selected him to fill the Office of First Commissioner. He then proceeded to state the grounds on which he thought his constituents would see he was the fittest man for the post. He spoke with a considerable amount of contempt of certain classes. The first were those who were educated at public schools and Universities, and who thought that, to be First Commissioner, he ought to be an ædile. The second class were the people who were fond of what was called art. To show his special acquaintance with them, he said many of them were very artful people. That seemed to have been appreciated by the electors of the Tower Hamlets as a happy and appropriate phrase. For architectural sculpture and gardening he expressed a profound contempt, and, to set himself right with the electors of the Tower Hamlets, he explained that he knew nothing about those professional accomplishments, but having so supreme a contempt for them he felt it his duty to look after architects, sculptors, and gardeners in order to see that they did not indulge their fancies at the public expense. The right hon. Gentleman then said he had received a training for his present Office while Secretary to the Treasury, when he employed himself in refusing applications for public money. This dismissal of Mr. Barry must be read in the light of the doctrine promulgated by the right hon. Gentleman on the hustings, and which was a doctrine he did not think would be acceptable to that House. There was a great difference between economy and saving. They might save a considerable amount of money, and yet not economize. By abolishing the office of architect to that House they might save 5 per cent on the work hitherto entrusted to him, but he did not think the saving would be economy. In watching works going forward and seeing that they were executed in a proper manner, the architect gave ample return for the percentage paid him. This was especially the case in decorative works. The House of Commons, he was glad to say, was anxious to see a rigid watch kept on the expenditure of public money, but it would not be carried away by petty parsimony and a want of taste. The wealth of a country did not consist in its money only, but also in intellectual development, in elevated sentiment, and in patriotism. In his opinion, the money of the country was wisely and judiciously spent when it was expended in the erection and adornment of public buildings calculated to improve the standard of public taste, and of which Englishmen might feel proud. Let them look at other countries. It was not necessary to go back to ancient Greece and Rome; if they looked across the Channel to Paris they would find that the most enlightened men regarded money as well spent when it was expended in rearing monuments of dignity and beauty in the form of public buildings. In Germany, again, the enlightened Prussian would scorn to save money at the expense of the beauty and nobleness of the public buildings. He (Mr. Cowper-Temple) trusted that the time would never arrive when it would be considered in this country that it was unnecessary to employ architects in designing our public buildings. He further hoped that architects, many of whom possessed the highest talents, would always receive the consideration due to gentlemen who followed a liberal profession. It was upon these grounds that he had thought it necessary to move the Amendment which stood upon the Paper in his name, and he had tried to avoid bringing into the discussion more than necessary of a personal character. He had, however, thought it his duty to bring before the House the grievance of a gentleman who was nearly in the position of one of their officers, and to enter his protest against a mode of treating professional men, which he hoped might not become a tradition of an office which had hitherto been conducted upon very different principles.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the abrupt discontinuance of the employment of the architect who has hitherto been engaged at the Houses of Parliament whenever professional skill and responsibility were required, at a moment when works entrusted to his direction were still in progress, is uncalled for, and of doubtful expediency,"—(*Mr. Cowper-Temple,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. AYRTON: Sir, before I rose to address the House upon this matter, I wanted to see if any other hon. Member was desirous of making any observations upon anything I had done with regard to the subject of this Motion; because it will occur to all hon. Members present that if any further observations upon this question are to be made it would only have been right that they should have been brought forward before I made my statement, in order that I might have had an opportunity of answering them. I am, however, quite prepared to deal with the case as it stands on the statement of the right hon. Gentleman (Mr. Cowper-Temple), who, no doubt, had a special duty to perform towards himself in bringing forward this matter, he having appointed Mr. Barry to fill the post which he has recently left. If, therefore, he thinks Mr. Barry is injured, he is right in bringing the case before the House. The right hon. Gentleman has, however, not confined himself entirely to the task he undertook. He has thought it necessary to refresh his memory—or rather has failed to refresh it—respecting some observations made by me a great many months ago. I will undertake to say I have a recollection more accurate than that of my right hon. Friend on that matter, and there is only one remark which I recognize as my own amongst those he quoted, the rest being a play upon the language I used. It is true I asserted that the First Commissioner of Works is responsible for seeing that the public money is duly spent by those who may be employed under his Department. That I regard to be his chief and most important duty towards this House, and the very reason why he sits here is, that he shall account to the House for the manner in which money is spent that is voted for this particular branch of the public service. That is the duty I have regarded myself as bound to discharge, and I have carefully refrained from attempting to perform functions for which I do not deem myself qualified; and, therefore, I have always left questions of architecture, sculpture, and other arts, to be determined by the judgment of professional men. I will now pass on to the subject of the right hon. Gentleman's Resolution. The right hon. Gentleman began by disclaiming any desire to go into a question which he said has been remitted to legal investigation, and then he proceeded to enter most fully into the whole subject. I regret that he has thought fit to do so, because I think there was ample ground for discussion upon the Resolution he has proposed. It is, however, impossible for me to allow the observations of the right hon. Gentleman to pass without giving the House some little information upon the subject. Now, Sir, the view which I took of the relations of Sir Charles Barry and Mr. Barry to the Office of Works, as regards the plans which had been prepared by them in the discharge of their duty while in the employment of the Crown, and at the public expense, were that those plans were, of necessity, the property of the Crown; and I have no doubt that any person having no special knowledge of the matter would have arrived at the same conclusion, and would have believed that, if he had paid for a particular commodity, he was of necessity the owner of that commodity. Another view of the matter, however, appears to have been taken by the Messrs. Barry; and I do not now intend to argue the legal rights of the Crown upon the subject, it being sufficient for me to explain to the House how I came to entertain the notion that such an opinion was one to which everybody was likely to subscribe. At the time of the occurrences to which the right hon. Gentleman has referred, I had in my Department a document which had been prepared by a gentleman of the very largest experience, to whom I was entitled to look for information—namely, the Surveyor to the Office of Works. ["Name, name!"] The name of the gentleman to whom I allude is Hunt. That gentleman had, not long before these occurrences, prepared a document, which, as it put the question as I believed accurately before me, I will rather read to the House than give any version of my own of it. Before reading that document, however, I may remark that this is not the first time that this question has arisen in the Office of Works, and that the Paper I am about to lay before the House had reference, as will be perceived, to the plans of another architect. The question raised was, whether the Office of Works were or were not entitled to have possession of the plans which had been executed for them? Mr. Hunt, in reply to that question, says—

"I am not prepared to recommend the First Commissioner to permit Messrs. Banks and Barry to have the custody of the contract drawings. Upon principle, I think every document appertaining to a deed of contract should be in the charge of this Department, to the head of which is intrusted the expenditure of public money. But it is more especially desirable in this case, seeing that the First Commissioner will from time to time have to ask the Treasury to sanction a further expenditure of nearly £35,000, in ornamental and other works, which it has been considered expedient to exclude from the general contract with Messrs. Mansfield & Co., and the First Commissioner will have need to refer to the contract drawings to enable him to judge of the propriety of the estimates which may be submitted to him by the architects for the additional works. I cannot see that any delay can or ought to arise from the adoption of the course I venture to recommend, for Messrs. Banks and Barry admit that they have tracings of 41 out of the 92 contract drawings, and the remainder could be traced at a trifling expense in two or three weeks at the most. And for this purpose there would be no objection, I think, to allow Messrs. Banks and Barry to have the drawings. The contractors are supplied with copies of all the drawings by the surveyors, who calculate the quantities, and the architects only want the drawings in their office for reference, or for preparing further details, for which correct copies are as good as the originals. All the contract drawings for the new Foreign Office are and have been in the custody of this Department, and there is no reason, as it appears to me, why the same course should not be followed in this case. Messrs. Banks and Barry state that they had charge of the drawings for Contract No. 1, and therefore they ought to have the drawings for Contract No. 2. Why they were permitted to have the drawings of Contract No. 1 I know not. I suppose it was thought that the works were small in amount and simple in character; and, moreover, the then First Commissioner was desirous that the works should be proceeded with without the least delay, and so the architects were allowed to have the custody of the drawings. But in a large and elaborate work like Contract No. 2, extending over a period of many months, the case is very different, and the precedent quoted by Messrs. Banks and Barry ought not, in my opinion, to be followed."

So that when I am told that I am pursuing a course in this matter altogether unknown, I reply that I found in my Department a document which informs me that the most distinguished architect in England has concurred in the very course which I have adopted, and that the same course has been again prescribed in the case of the large buildings now being carried on in front of Burlington Gardens, and that it has been acquiesced in by Messrs. Banks and Barry. Finding this to be the case, I regarded it as a matter of course that if the Office of Works accepted a responsibility in regard to this building, they should have the contract plans and drawings relating to this building in precisely the same manner as they possessed them in relation to the Foreign Office, and the building which is now in course of construction. That was the reason why I made the very simple demand upon Mr. Barry to deliver the plans and drawings relating to this building to the Office of Works in consequence of changes which were about to be made in the conduct of the business of that Department. What is the view that any reasonable man would take with reference to the money that is paid to an architect for the service he renders? As regards Mr. Barry himself, I have no reason to doubt that he entertains opinions upon the matter somewhat similar to my own; because, when it became necessary that I should ask him what amount of remuneration was due to him for the services which he had performed with reference to certain sketch plans he had drawn for the new National Gallery, he declined to make any charge, on the ground that if he were employed to superintend the works he would receive 5 per cent upon the outlay, and that if he were not so employed he would receive 2½ per cent upon the outlay as remuneration for his services in drawing out the sketch plans. Now, if the 2½ per cent upon the outlay is not for those sketch plans, what is it for in such a case? If we have no property in those plans, and if they are not to be handed over to us, how can the architect whom we may select to superintend the works make use of them; and if we cannot make any use of them, of what value can they be to us, and why should we be expected to pay for them? The request preferred by me to Mr. Barry that he should deliver up to the Office of Works the drawings and plans connected with this House was met by Mr. Barry by a very long argumentative letter. Now, every man of official or commercial experience will decline to be drawn into a long controversial correspondence, which may have the effect of throwing one off the scent, or, as lawyers would put it, of raising a false issue; and I trust that I have had sufficient experience, at all events in one professional character, to prevent me from falling into such an error as to enter into such a controversy. Therefore, I declined to enter into a sentimental controversy on a mere personal question. I wanted the simple question to be disposed of, as to what was to be done with all the plans and drawings, which I thought ought to be deposited in the Department I was connected with. A great deal has been said by my right hon. Friend of the cruel wound inflicted on the feelings of Mr. Barry by the attempt to take him from all his father's drawings; but he has not called attention to the fact that I pointed out to Mr. Barry that the purpose for which I wanted them was to have evidence of the structure of the building and all its appurtenances, and of the position of the drains and flues. Everybody knows that all such drawings are made by clerks at two or three guineas a week, or by draftsmen employed for the purpose of preparing contract plans, and they are not the personal work of a man of genius, done by his own hand; but if they were so I did not put any pressure on Mr. Barry, for I told him, as he had got all the papers, to sort out what he considered the personal work of his father from those other papers which might be regarded as mere matters of business, and to send the latter to my Department as evidence of the construction of the Houses of Parliament, of the foundations, embankment, sewers, and works of that kind. I could not give Mr. Barry further instructions than that, for not having seen the plans and not knowing their character, all I could do was to ask Mr. Barry to make a selection according to his own view. I could not say that I would be bound entirely by whatever selection Mr. Barry might make, because he might have sent me papers which were insufficient for the purpose. All I did was to ask him to make a selection in the first instance, reserving to myself the right to say whether they were sufficient for my object. My right hon. Friend said that Mr. Barry was willing to give copies; but did not state that Mr. Barry desired to be paid for them. What Mr. Barry said was—"You have no right to anything in my possession; but if you want information, I will provide copies if you pay for them." Thus, it seems, I was to acknowledge Mr. Barry's right to the papers and then to pay him for copies. I think I should have ill discharged the duties of the Office I hold if I had agreed to spend the public money in recognizing Mr. Barry's right. Was it proper that I should have entered into a controversy with Mr. Barry on the question of right as regards the Crown, when neither he nor I had any means of deciding the question? I could only do what I did. My right hon. Friend has in this matter spoken of Mr. Barry as if he were the party principally concerned; but Mr. Barry sent me a letter from Sir Charles Barry's executors, who asserted their right to the papers. Therefore, I was brought face to face with those executors claiming their rights against the Crown. Consequently, the affair no longer bore the sentimental character which Mr. Barry began by ascribing to it, but took the form of a legal claim by executors on the part of the estate. All that I said was that, before I took another step, I would put the matter in a course of examination by the legal advisers of the Office of Works; and what fairer could I say as regards Mr. Barry, Sir Charles Barry's executors, and the public—for the public have as much right to consideration as the other parties to the transaction? I at once declined to interfere further, leaving the result in the hands of the Law Officers of the Crown, and it is perfectly a matter of indifference to me personally if they should recognize the right of the executors to these plans. I leave the question to those whose duty it is to deal with it; but if they advise that these papers are the property of the Crown, then I should have no right to come to the House of Commons, and ask for a Vote of public money to pay for that which the public have a right to. This being the position of things, I do not see what advantage will arise from anticipating the result of the examination of these relative rights, and I think it would be better to leave the affair to take its own course. But when it is said that Mr. Barry feels aggrieved, and when a large body of architects meet to declare that they consider themselves aggrieved at what has been done, I ask what ought to be more gratifying to them than that, without any trouble or expense to them, and without the necessity of going into a Court of Law, they will have the whole question examined by the highest legal talent? One thing I ought to mention. Mr. Barry put forward the idea, and endeavoured to impress me with the idea, that I am implicitly bound by certain rules as to remuneration which architects think it convenient to lay down for themselves. Now, I am not of opinion that the House of Commons will be ready to recognize that any class of persons is entitled to proclaim specifically the terms on which business is to be transacted, so as entirely to exclude the other party to the contract. All I claim for the Office of Works is that it should be treated as one party to the contract, and be at liberty to say what its views are as regards its own interests. What I object to is that the architects not only assert what they think most for their own benefit, but also for the benefit of the Crown. They desire to take the matter out of the hands of the Crown, and that is an assumption which I am disposed entirely to disregard. This scheme of architectural combination was brought under the attention of the Office of Works on a former occasion—I think it could not have been when my right hon. Friend was in Office. It was in March, 1867. Mr. Barry wrote a letter as to the amount of his remuneration—5 per cent being declared by the architects as the exact sum to be paid on all occasions. Well, it would be very delightful if every person might state the exact sum he should receive, and make a combination with other people to exact it. On the 25th of March, 1867, Mr. Barry wrote to the Secretary of the Board of Works—

> "The present question between myself and the Board refers to a sum of less than £10; but I could not admit the justice of the views expressed in your letters without exposing myself to a charge of unprofessional conduct by accepting less than the recognized remuneration of my profession, and departing from the rules laid down for its guidance by the Royal Institute of British Architects, to whom I have felt it my duty to communicate the substance of this correspondence, referring as it does to an important point in professional practice."

The noble Lord opposite (Lord John Manners) took a view which I think he was perfectly justified in taking of such an extraordinary communication. In reply, after stating that he had decided the particular case, the Secretary to the

Board of Works wrote on the 9th of April, 1867—

> "I am at the same time to acquaint you that, in order to prevent any future misunderstanding, your remuneration for all works intrusted to your superintendence by this Department, whether at the Palace of Westminster or elsewhere, will be calculated by the Board at a commission of 5 per cent on the outlay, which commission is, according to the practice of this Department, to cover all expenses of measuring and superintendence, except the charge for the clerk of the works."

The practice of the Department being exactly the reverse of the practice laid down by this combination of architects. ["No, no!"] There is a distinct claim on the part of the Board of Works to state the amount of remuneration it will pay, and that Office does not hold itself amenable to the Royal Institute of Architects, but deems itself entitled to prescribe the manner in which the Department will conduct its own business. Now, I come to the question which my right hon. Friend has raised by the Notice he has given. My right hon. Friend opened his case with an error, which I should not have thought he would have fallen into, because, being the advocate for Mr. Barry, he ought to have informed himself of the condition under which Mr. Barry was employed. The House well knows that it is not in the power of the First Commissioner to create any continuous office under the Crown. The power of the First Commissioner is very limited; and if he desires to create an office under the Crown, his duty is well defined. He must make a submission to the Treasury; he must get the sanction of the Crown, through the Treasury, to the creation of that office, and then the appointment may be made; but no appointment whatever in reference to the Houses of Parliament has ever been proposed by the First Commissioner, or has ever been sanctioned by the Treasury. What has been done is strictly in accordance with regular practice—namely, that when the House of Commons has voted a sum of public money for any particular work the First Commissioner is intrusted to watch over that expenditure, and it is his duty to appoint the individuals, be they many or few, who are to execute it. When my right hon. Friend desired the services of Mr. Barry, the Secretary to the Office of Works wrote to him saying—

> "I am directed to inform you that the First Commissioner requests that you will undertake that service—that is to say, to superintend the completion of the works at the new Houses of Parliament, which have received the sanction of this Board, and for which Parliament has made a grant of money."

That was the appointment that was made; it was a limited one, and the House must not suppose that I am playing on words, or that Mr. Barry did not understand the nature of his employment, for when a question arose in March, 1867, as to his remuneration upon a Vote that had been made by Parliament for the service he had undertaken, he said—

> "I have to remind you that in my letter of 8th June, 1860, accepting the appointment, I expressly limited my acceptance to the case of the works which had then received 'the sanction of the Board, and for which Parliament had then made grants of money.'"

The House will see that Mr. Barry was ready to make this important distinction, which it is my duty to explain to the House, and therefore it is not a point which is now raised for the first time. Mr. Barry was conscious that he was not appointed to any permanent employment; but *pro hac vice* to superintend the then expenditure of the money that had then been voted by Parliament. My desire is to satisfy the House that Mr. Barry well knew his position, although my right hon. Friend, owing to his long absence from official life, may have forgotten what he himself did.

Mr. COWPER-TEMPLE: I did not use the words "permanent employment." I said he was an officer of the House.

Mr. AYRTON: My right hon. Friend emphatically stated that he considered Mr. Barry was an officer of the House, and I cannot conceive language better calculated to convey his meaning. By using it he conveyed precisely the meaning of the words of his Resolution, which is based on the idea that Mr. Barry is a person who has an office and an employment from which he has been removed, and the substance of my right hon. Friend's speech was a complaint that that gentleman had been removed from his office. If that is not so, what are we discussing? If Mr. Barry has not any office or employment, what complaint can he have to make? But my right hon. Friend says that Mr. Barry has had a great charge in this House, and in the most cruel and summary manner has been deprived of his employment. I will read Mr. Barry's description of his position—

> "January 19, 1870.
>
> "I do not hold any appointment in virtue of which the building"—that is to say, the Houses of Parliament—"is in any sense under my charge, and I have no responsibility in respect of it except as regards such works as are intrusted to my superintendence from time to time."

And then he goes on into other matter. ["Read, read!"] The letter goes on to a wholly different subject; but it is in a Parliamentary Paper, and anyone may read it for himself. I quote it to show how accurately Mr. Barry describes his position, and the view he himself took of it; and after that I would ask the House what ground he can have for complaining that he has been deprived of a continuous and permanent employment in the most summary manner? Having explained what Mr. Barry's duties were, I now come to the transactions of the past year, and will first state, that in accordance with usage, Mr. Barry received in April his authority for his employment under the Vote of last year. On the 12th of April, 1869, the First Commissioner directed this letter to be written to Mr. Barry—

> "I am directed to instruct you to at once commence the work in the Central Hall, Queen's Robing Room, Royal Staircase, and St. Stephen's Crypt, for which provision is made in the Estimates submitted to Parliament for the current year, being careful that the expenditure for each service, including your commission, does not exceed the amount provided."

That was Mr. Barry's commission for the year 1869-70, ending with March last, and he had no employment other than that which was intrusted to him under that letter, precisely as he had been employed in 1860 and on subsequent occasions under letters from the First Commissioner, who consigned to him particular Votes of the House of Commons to be expended under his professional supervision. That being so, the House will recollect that we had some very painful discussions last Session in Committee of Supply on the Vote with reference to the special expenditure on the Houses of Parliament. No one regrets those discussions more than I; but I cannot help reminding the House that my right hon. Friend (Mr. Layard) who preceded me was then called upon to defend himself in a very disagreeable manner, with regard to the ordering of the mosaics in the Central Hall. What was his defence? Why, he said that the architect had been left to do almost as he pleased; he on his own motion made all the contracts; and it was not the practice of the architect to communicate to the office the names of the persons with whom contracts had been made, but the Vote was handed over to the architect, and the First Commissioner knew nothing more about it. The position which my right hon. Friend assumed, and rightly so, for his vindication, was that Mr. Barry had done what he thought fit with the Vote that was consigned to him, and I recollect that in that discussion a noble Lord opposite (Lord John Manners) exclaimed—

> "If I had been First Commissioner of Works and had made such a discovery, what would the Secretary of the Treasury have said, and what would right hon. Gentlemen have said if they were sitting on the opposite Benches?"

I wish to answer that appeal. There were many matters which came under my notice when I took Office which I thought it my duty to examine; but the longer I was in that Office, the more was I astonished at the way in which business appeared to be conducted there. It did not appear to me that the First Commissioner really accepted the responsibility which ought to belong to his position; but he seemed to hand over everything to the architects and others whom he employed, and then he had only to say—"I have done this, and whatever happens will be their doing and not mine." I will give the House one illustration, not intending to find fault with Mr. Barry, but as showing the state of things that existed. Notwithstanding the discussion which took place on that Vote, I received towards the close of the year a representation from Mr. Barry that the work had become in such a state that I must either look ridiculous or spend another £500—a painful position for a Minister who had given a pledge to the House of Commons that there should not be any expenditure in excess of the Vote. If that condition of affairs was to continue where would be the responsibility of the First Commissioner, and what would be the use of this House discussing the matter and coming to a deliberate conclusion as to the expenditure? The control of the expenditure would be virtually gone beyond the Department, the head of which only received an intimation that he must spend more money. In another case a subway was to be made, and in the contract there was an item for contingencies. Mr. Barry said the amount of money was not large, and it was provided that any special extra work should be done at a cost not exceeding £300. When it was reported that the work was coming to a close, we requested Mr. Barry to furnish an account of the extra works to be paid for, and Mr. Barry wrote back to say that, in the exercise of his functions, he had arranged to pay £300 for them, and it was unnecessary to give any further explanations. What is to be the position of the accounting Officer of the Crown if he is not to have an account of extra works, and is to be told that they have absorbed the exact sum set apart? There is no complaint against this gentleman—it is against the system. The idea was to get rid of all trouble in the Office of Works, to put it upon somebody else, to let him manage as he pleased, and then to accept his statement as a sufficient answer for all the consequences that might ensue. I had to consider this among other illustrations of the system, and I had to ask myself whether we should continue this, or whether we should attempt to devise a better. The solution of this question was forced upon me much sooner than I desired, because I did not wish to be hasty, and wished to fortify my opinions by practical experience. It so happened that when I took Office a gentleman was appointed as Secretary of Works, who informed me that he intended to resign, but would not do so immediately, lest it should be supposed that my connection with the office had anything to do with his resignation. I asked him to retain his office long enough to enable me to consider what was best to be done, and he ultimately gave notice that he should resign his office at Christmas. I then had to consider whether I would appoint another Secretary of Works, or whether I would go to the root of the whole question of insufficient responsibility, and ascertain whether the office might not be organized on a better and sounder footing, so that the First Commissioner should be really as well as nominally responsible for all the public expenditure voted by the House in connection with public works. I laid my views before the Government, and they came to the conclusion that there should be an officer to be called the Director of Works, and that he should, under the eye of the First Commissioner, superintend all technical details, so that all should be thoroughly recorded in the office, and that there should be no expenditure of which the office had not previous cognizance. That was the spirit and principle of the change effected. When any one is appointed to an office in a Department with the head of which he is personally acquainted, there are people charitable enough to suggest that public have been sacrificed to private interests; and therefore I may say that the appointment in question was not made by me at all; it was made by the Government, on their collective responsibility, and was accepted by me, although I might have claimed the privilege of making it myself. I cordially accepted it, however, and I am, therefore, fully responsible for the appointment of Captain Galton—a gentleman who has had a professional education, and who has had professional experience in connection with works of construction. This gentleman being thus appointed, and new arrangements made, it became necessary to re-arrange the duties of the persons employed by the Office of Works. In my communication to Mr. Barry I confined myself to a literal statement of fact, in order that there might be no ground for introducing personal matters connected with Mr. Barry and his professional status. What I said was that changes in the way of administering the Department rendered necessary that which I desired to do, and that showed that what was being done had no relation to Mr. Barry as an accomplished architect, or as a gentleman who had rendered service to the Crown in his professional capacity. Mr. Barry was at liberty to take whatever steps he thought desirable; but it was the office of the First Commissioner to render what he believed to be his duty to the Crown. Instead of acquiescing in these official changes, Mr. Barry desired to raise a great many questions, upon the discussion of which I declined to enter, as they were totally irrelevant to the reasons I had given him for what was being done in the Department under the direction of the Government. In order that there might be no mistake, in my letter to Mr. Barry I told him that his future employment was an open question; that I did not propose to deal with it, and that it would depend upon a great variety of circumstances; and I say he had no right to endeavour to commit me to his future employment for all time to come. He had been employed year by year under particular Votes; and he had no right to ask any questions as to any engagements beyond those which he already held. It is said he was deprived of the completion of works upon which he was engaged; but there is really no foundation whatever for that view of the case. It is a total misconception, arising, perhaps, from the fact that the House has before it Papers relating to works in which he is engaged; but it was never intended to interfere with any of the duties Mr. Barry was performing under the authority of my predecessor; and if I were to trouble the House by going into the letters which have passed, I could make it clear that Mr. Barry must understand that as well as I do. I did not, and I could not, at that time know the details of the works on which Mr. Barry was engaged, because I had not the contracts. I had not the information requisite for forming a judgment on the subject. What I understood was, that he was to certify all the expenditure he had undertaken, in accordance with his employment under the letter of my right hon. Friend of last year, and there was no intention whatever of interfering with that duty. If I am rightly informed the works have, in fact, been completed, and he understands that as soon as he certifies what accounts are due and are to be paid to all the contractors, they will be paid on his certificate and on that alone; and there is not the least intention to prevent Mr. Barry receiving professional remuneration to the extent of what he certifies. I wish to disabuse people of the idea of a dispute which never had any existence, and to show the House that there is no desire, and never was any desire, or intention to interfere with his employment. What has been intended and is intended is, that there shall be a responsible Department of Works; that there shall be a thorough, sifting investigation into the necessity for, and character, of all proposed expenditure; and that the conditions of it shall be thoroughly defined. The Director of Works, under the direction of the First Commissioner, and with the technical officers of the Department, is to investigate all proposals for expenditure of public money, and to bring them under the notice of the First Commissioner, who is to be made responsible by recording his opinions upon them for the consideration of the Treasury, by whom alone expenditure can be sanctioned; and it is not until all these conditions have been complied with that third persons are to be called in to give their assistance. That is the footing on which you must put the Department, if you desire to make it responsible, and if this House intends to undertake in a reasonable way the duty it proposes to itself in Committee of Supply. It must not be met by a First Commissioner who says that somebody outside his office has done everything, and that he is very sorry for it; but the Government is committed to what has been done. I wish that nothing of that sort should occur again; and I hope that the result of this proceeding will be that every question of expenditure will receive its perfect economical solution before we go to what may be called questions of decoration and of art. I do not wish or propose to limit the employment of persons who possess adequate skill and knowledge in any particular branch of art which it is necessary to lay under contribution; on the contrary, I wish the services of such persons to be resorted to; but, on the part of the Crown, somebody must judge when gentlemen of professional skill and knowledge are to be called in; and the technical officers of the Department, under the responsible First Commissioner, must necessarily perform that function. You are told that the First Commissioner of Works is guilty of a most arrogant proceeding if he undertakes to judge when people are to be employed in his Department—public money is to be placed at the disposal of what are called independent professional men, who are to take charge of all public buildings belonging to the Crown. What is meant by that? They are to be independent of whom and what? There can be no independent charge of the buildings of the Crown. Every charge must be dependent upon the head of the Office of Works, who is appointed by law to superintend the buildings of the Crown. It is said that there is no one competent to do this in the Office of Works. Who has the right to make this assertion? What right have a number of architects to meet together and to say—"Nobody in the Office of Works is competent to do our business, and, therefore, we claim to be the persons to do it?" There is no independent architect in charge at Windsor Castle, which is a tolerably large building—at Buckingham Palace, or at Somerset House. What right has anybody to say that these buildings shall be given up to independent architects, who are to decide what public money shall be spent on them? All these public buildings have been in the charge of competent persons. But the principle does not apply to existing buildings alone. There is now being constructed opposite the General Post Office a building of great mark, which is to cost £150,000—the supplemental Post Office; and this is being superintended by an assistant surveyor in the Office of Works, by whom it was designed. Why should any persons say, in effect, that this gentleman is unfit for the duty intrusted to him, and that they alone are competent? It is my duty to defend from such insinuations the meritorious gentlemen employed by the Department, who have long performed with ability the work they are called upon to perform, and who ought to be protected from the combination entered into against them. For my part, I shall be well content to see the work in connection with the Houses of Parliament performed as well as that at other public buildings. Whenever the officers of the Department are unable to perform the duties that devolve upon them, the fact will be reported to me, and in such case I shall be only too happy to avail myself of other assistance. I have now endeavoured to make clear to the House a true statement of the question at issue. In conclusion, I am not prepared to subscribe to the doctrine that a combination of architects should regulate the terms of a contract entered into between the Office of Works and the architect it may employ, and Her Majesty's Government have concurred with me that no architect shall henceforth be employed by the Department who does not sign a written contract, the terms of which will afford a suitable protection, not merely for the interests of the architect, but of the public service.

MR. BERESFORD HOPE: I have gladly gathered from the statement of the right hon. Gentleman that he is, at last, beginning to learn that there are such things as equities of manner and methods of dealing with gentlemen which would enable gentlemen to deal with him. I do not say that the right hon. Gentleman's lamp of knowledge on these points gives a very shining light; but there are certain glimmerings of illumination. As an encouragement towards a complete reformation, I may observe that the right hon. Gentleman will, perhaps, feel greater sympathy with the architectural profession when he knows that a large proportion of them, though accomplished gentlemen, have not been at any public school or University. I listened with surprise to his argument, when I recollected that, as I can show by figures, Mr. Barry's services during the last 10 years, in connection with the Houses of Parliament, have resulted in a net annual profit to himself of £179 a year; and that, for this munificent reward, he has carried out great works, and has gratuitously attended Committees, which, labouring under the hallucination that he held a public office, cross-examined him, and occupied much of his time. A Committee, on which I had the honour to serve, presided over by the right hon. Gentleman (Mr. Headlam), sat for two Sessions, and produced two very interesting and elaborate Reports, containing a scheme for the construction of a new House of Commons, with other alterations in, and additions to, this building. That scheme is now hung up; but, in preparing it, Mr. Barry gave his services gratuitously. The right hon. Gentleman (Mr. Ayrton) ventured on a very wire-drawn distinction when he denied that Mr. Barry had any equitable claim to the continuous consideration of the Office of Works, or of this House, because he held no actual appointment in black and white. Does that mean that he held no patent under the Great Seal? Look at the way in which business is generally conducted in this country. How many persons are there whose equitable claim to continuous employment is recognized by the rules of society, though they are unable to produce any formal appointment? Does a man draw up a deed for the appointment of his family solicitor or his banker? In all such cases, the relationship grows up gradually; one incidental transaction leads to another till at last, without a scrap to show the commission, a relation is created which may last for generations. Of course, a man may change either his solicitor or his banker, and he may make the change like a gentleman, or in a very unjustifiable manner. The question now is, not whether the Office of Works has, or has not, an abstract right to dispense with the services of Mr. Barry. To raise that question is to throw dust in the eyes of the House. The plain issue is this—Is the way in which the Department of Works parted with Mr. Barry right or wrong? Were Mr. Barry's antecedent services, was his position as an artist and a gentleman, such that the right hon. Gentleman was justified in sending him the curt and harsh dismissal with which these Papers commence? The right hon. Gentleman has ridden off on a by-issue. The question is not as to the law and customs of architects respecting percentages, nor is there any reason why he should so pertinaciously ring the changes upon a "combination" of architects supposed to be organized against him. Anyone hearing the discussion to-night might suppose that Mr. Barry had brought down a lot of architects to the feet of the lions, in Trafalgar Square, and called on them from a pedestal to give their opinions on their rights. The fact is, that this "combination" of architects is a well-known and universally respected society, which was incorporated 30 years ago to serve as the official centre, legislative and practical, of the architectural profession; it has been honoured with marks of Royal favour, as the dispenser of a Queen's prize; and when I was its President, it obtained leave to use the prefix of "Royal." This "combination" of architects, which the right hon. Gentleman throws in our teeth, and threatens he will break down, is the acknowledged, incorporated, representative body of the profession, for the purpose of regulating and controlling the customs of architects. If the Law Officers of the Crown say that the rule laid down by them in this instance cannot be sustained, *cadit quæstio;* but, meanwhile, to try to place the Institute in so invidious a position, is to prejudice an important case while it is still before the tribunal. With regard to Mr. Hunt, who proves to be the right hon. Gentleman's secret and only adviser, I respect that gentleman's practical ability and services; but what is the opinion of one man compared with the combined decision of the whole profession, especially when that one man is, after all, an outsider? Any how the right hon. Gentleman was very careful to keep Mr. Hunt's opinion to himself; but if, instead of this concealment, he had, in the first instance, communicated Mr. Hunt's view to Mr. Barry, and had inquired, in a friendly manner, whether he had any objection to deposit the drawings, or copies of them, in the archives of his Office, no difficulty, I venture to say, would have arisen. The right hon. Gentleman has himself stated that Mr. Barry, at the close of last year, received the usual circular regarding works in progress; and having received the same form as in previous years, he naturally inferred that the same honourable understanding—I will not call it engagement—was still to continue, and acted upon that circular. On the 22nd of January, however, he received the peremptory announcement that in consequence of the various arrangements made for the conduct of works the New Palace of Westminster would from the 21st of March be placed under an officer of the Department of which the right hon. Gentleman was the head. Now what interpretation could an architect, receiving such a letter as that from his employer, put upon it but that his charge was at an end? It was in that sense that the letter was construed by Mr. Barry. In the same missive a simultaneous demand was made for the drawings, and so Mr. Barry naturally did what any other man of honourable spirit would have done—he stood upon his rights. If, however, matters had been managed otherwise, there would have been an opportunity afforded for those friendly negotiations by which alone the harmonious arrangement of such intricate business can ever be secured. But with a document in his hands which he could not regard in any other light than that of a dismissal, Mr. Barry found himself driven to stand upon his rights, which are the common law rights of his profession, not created by the Royal Institute of Architects, but only interpreted by them—rights which, I must add, have from time immemorial been recognized and respected up to the present period by all employers. I have been a considerable employer of architects myself, and I must say that I have never known such a demand to be made as that which was made in the present instance. But in spite of his dismissal, what did Mr. Barry do? A rigid adherent of the rights of the architectural profession might say that he had gone too far in conciliation, for he professed himself ready to surrender all the contract designs made during his 10 years of office, offering also the tracings of the drawings made in his father's time. An opportunity was thus afforded of terminating the matter fairly and honourably as between all parties, of which I venture to say any other Minister would have taken advantage. What was, however, the return made by the First Commissioner to this generous concession? The offer was met by a dry and hard assumption as to the rights of the Crown, and by the threat of legal proceedings against Mr. Barry, because while he virtually surrendered all that had been claimed, he did so with some regard to his own position. The right hon. Gentleman has harped on the trumpery expense to the public of making the tracings of Sir Charles Barry's drawings. I was ashamed to listen to such a plea. What did these two or three pounds matter to him more than they would have done to Mr. Barry, except as a protest on the part of that gentleman which he was bound to make of his own rights of ownership? The right hon. Gentleman has also made a good deal of what has been said by his Predecessor in Office last year with reference to the mosaics for the Central Hall, from which it might be imagined that Mr. Layard had got a large sum of money and had left it in Mr. Barry's hands to spread over a variety of expenses. But what were the real facts of the case? Mr. Layard simply allowed Mr. Barry to enter into a contract for one almost mechanical work—the pattern decoration of the roof—keeping, as he explained, the work which was most expensive and artistic—the mosaic pictures in the spandrils—in his own hands. I must contend, therefore, that Mr. Layard's speech was not susceptible of the colour which the right hon. Gentleman sought to put upon it. The right hon. Gentleman rested his defence, in a great degree, on what he called the creation of a "technical officer," who was to be at the beck and order of the Office of Works. What I am driven to infer from this statement is that there will be hereafter certain permanent officers placed in his Department to know what the First Commissioner himself ought to know, to check designs with which he ought himself to grapple, and to look over estimates which it ought to be his duty to look over. So far as I can make out, that is the simple definition of the technical officer. But had the Office of Works no professional adviser before? What was Mr. Hunt? What were Mr. Pennethorne and Mr. Fergusson? The crowning argument of the First Commissioner was the fact that a new General Post Office is being built for £150,000 by an assistant surveyor. I have only to remark that I want to see the building finished before I commit myself to the admission of the wisdom or the economy of such a procedure. Besides, I refuse to be blinded by words before I ascertain whether this assistant surveyor may not after all be an architect. Sir Christopher Wren was termed His Majesty's Surveyor of Works, and I wonder that the right hon. Gentleman has not argued that St. Paul's was built by a surveyor; the argument would have had precisely the same value as other assertions on which he has ventured. I hope the House will not be led away by special pleading about Mr. Barry's appointment, or by assertions about his 5 per cent. The question at issue is a broader one than that. It is how far the honour and the credit of the Administration of this country will be affected by gentlemen, artists and honourable men, being treated by officials in a hasty, contemptuous, harsh, and overbearing manner.

MR. OSBORNE: I am puzzled, Sir, to know, after listening to the address of my hon. Friend (Mr. Beresford Hope), whether he spoke in his capacity of Member for the University of Cambridge, or as the late President of the Royal Institute of British Architects, which he tells us has existed from time immemorial.

MR. BERESFORD HOPE: I never said that.

MR. OSBORNE: My hon. Friend said it had existed for 30 years.

MR. BERESFORD HOPE: What I said was, that the custom of paying 5 per cent has existed from time immemorial.

MR. OSBORNE: I will come to that by-and-by. I am surprised to hear an hon. Gentleman who has been President of that society not only recommending people to go to school, to learn, I suppose, the principles of architecture, but also the coinage of words; for the hon. Gentleman, who is a Member for the University to which I have the honour to belong, made use of the word "assumptious." That is a word which I believe was never before heard, even at the Royal Institute of British Architects. I think, however, that the speech just delivered was, if I may use the word, "assumptious" in every sense. In considering this question I am not going to narrow it down to the position taken by the hon. Member for the University of Cambridge. He has narrowed it down to a question of the family architect to this House; but I am going to put it on a broad ground—on the principle of the British taxpayer against the monopoly of the family architect. Let us get rid of all the verbiage—this "assumptious" verbiage—which has been used on the present occasion. It is necessary to look into the history of the building of these Houses of Parliament, and I am sorry to say that a grosser history of wasteful and profligate expenditure by family architects and by Royal Institutes never came under the consideration of this House. [*Cries of* "No, no!"] I hear my cantankerous Friend on the other side who says "No, no!" but I say "Yes, yes!" Now, what was the original Estimate for the Houses of Parliament? The original Estimate was £750,000. You may talk of percentage, or what you like; but what has been the actual cost? Why, upwards of £3,000,000. How has that bill been run up? By the favourite method of appointing a Committee of this House, which appointed a Fine Arts Commission, which, I believe, my hon. Friend the Member for the University of Cambridge supported originally, even if he were not a Member of it. [MR. BERESFORD HOPE: I never was a Member of it.] Then you ought to have been. Well, what did they do? From the first they ran up a bill for the ornamentation of these Houses—upwards of £50,000 for frescoes and statues. And what has been the case with those frescoes? ["Question!"] I must go into that question. It is the question of the taxpayer, and is not to be shrouded under family architects or the "No, no's" of the hon. Gentleman opposite—my intimate Friend opposite—who endeavoured to hide his face when he cried "No, no!" Upwards of £12,000 has been spent on the frescoes in the two corridors. ["Question!"] I will come to your friend, Mr. Barry, by-and-by; but first I am going into the whole question of these Houses of Parliament. Every one of those frescoes are now rotting on the walls. Now I come to the question of Mr. Barry, and I will give you sufficient contentment as friends of his. Hitherto the First Commissioner of Works and this House have been completely in the hands of the architect. Now you have got a man fresh from the Treasury. I do not say that he is a man of taste. He comes in here like the hon. Member for the City of London (Mr. Alderman W. Lawrence), totally devoid of æsthetic ideas, and with the wish only to save money. I may say that he is "as free as Nature first made man" when "wild in the woods the noble savage ran." Hitherto I say the whole of this House and its ornamentation has been in the hands of the architect, and the Commissioner of Works has been completely at his command; but now a man comes in who I believe is more intent on pleasing the taxpayers of the country than on conciliating the family architect or the Royal Institute of British Architects. My right hon. Friend opposite (Mr. Cowper-Temple) says Mr. Barry served this House for an income of £179 a year. Yes, but what did he do otherwise? He was always suggesting changes, though I do not say he did so for the purpose of putting money into his own pocket. What did he do with regard to the Central Hall? He proposed to cut down the original pillars which support the hall and to substitute marble pillars for them. [An hon. MEMBER: And a very good job.] Without doubt, it is a good job; but who is to pay for it? This is your idea of art; you prefer to have continual bills. This great work, which was originally estimated to cost £750,000, has gone up to £3,000,000; and yet you call yourselves the guardians of the public purse. My right hon. Friend the First Commissioner of Works did what he ought to have done. He called on Mr. Barry to send in his plans and to give up his position, as I understand it.

I think we have had Mr. Barry round the neck of the public a great deal too long. This system of family architects ought to be abolished as far as the nation is concerned. But then there comes down my right hon. Friend the late First Commissioner of Works, who appointed Mr. Barry, and proposes this extraordinary Resolution, which is nothing less than a Vote of Want of Confidence in the present First Commissioner. "The noble savage," in his anxiety to save the public funds, may probably not be on the best of terms with individual Members of this House; but I say he deserves the thanks of the country generally for the course he has taken. I do hope the House will resist this insidious attempt, which is probably, to a great extent, the result of private pique. ["No, no!"] Well, what could be more personal than the speech of my hon. Friend the late President of the Royal Institute of British Architects? He has put the matter not on public, but entirely on private grounds; and, because you have got a Gentleman in Office who is determined to control the public expenditure, my hon. Friend turns round upon him and says he is not deserving of the confidence of this House. I think the time has come when this House ought to reassert its jurisdiction, and not listen to arguments about family architects or the opinions of the Institute of British Architects. I hope this House will not listen to their dictation when they attempt to put forward their rules, which are nothing more than the rules of a trades union Society. Those rules are not recognized in any Court of Law. The endeavour of the architects is to lay down the rule that the country is to pay 5 per cent—that is, 2½ per cent, I think, for plans, and 2½ per cent for superintendence. I think that is the rule. [Mr. Alderman W. Lawrence: "No, no!"] Well, the hon. Member for the City of London is a builder, and is better informed on this subject than I am. I happen, however, to have in my hand a statement of the professional charges as laid down by the architects, and here it is. If they do not continue the building they are to have 2½ per cent for furnishing the plans. Is this country content to pay these enormous sums of money, and then to be told that the plans have not been deposited in the public archives? From time immemorial, I believe—in the Middle Ages, at all events—the plans of great buildings were always so deposited. That was the case with regard to the cathedral at Cologne, and also with regard to the cathedral at Florence. Both in Italy and Germany, during the Middle Ages, all the plans were lodged in the public archives, so that if the building were left unfinished it might be continued at a future time. Yet we are now told that the Royal Institute of British Architects, which has existed from time immemorial—or, in other words, for 30 years—is to say that we shall not have their plans, although we have paid for them. I cannot think the House of Commons will allow itself to be subjected to such monstrous dictation as this; and I do hope the House—quite independent of personal feeling—will rally round the Minister who promotes economy, and endeavours to keep these family architects in order.

Lord JOHN MANNERS: I little expected to hear so advanced a Reformer as my hon. Friend who has just sat down go back to the Middle Ages for precedents as to the payment of architects and rules to guide the architectural profession. His remarks, however, were altogether beside the Motion which has been moved, relating as it does to the dismissal of Mr. Barry; but, not confining himself to this subject, the hon. Gentleman made a most vehement statement that the whole of the £3,000,000 expended upon the Houses of Parliament, and their embellishment was owing to the architects of one particular family. I must say that is a most unfair statement. There may be blame attaching somewhere for this expenditure—I do not go into that question; but if blame there be, it must fall upon the Ministers who proposed, and the Parliaments which sanctioned, that expenditure. And the hon. Gentleman, who has filled certainly one, if not more, Offices in the State, must bear his own share of that blame; and it is too late for him now to rise in an indignant manner, and lay the whole blame of that expenditure upon the unfortunate architect charged with the execution of the works. [Mr. Osborne: I voted against it.] The hon. Gentleman was good enough to say that some £50,000 of that expenditure had been incurred by the Royal Commission of Fine Arts. I see some Gentlemen sitting opposite to me who were very laborious members of that Commission, and I think they will agree with me that there was not a single architect upon that body. I do not know that I should have wished to enter into this debate but for the references made by the First Commissioner of Works to circumstances that happened while I was in Office. It is most painful to me to have to speak upon a question in which the conduct of the right hon. Gentleman now at the head of the Office, which I have presided over on more than one occasion, is called in question. But after the references that have been made to me, I feel it impossible to remain silent. One justification put forward by the right hon. Gentleman, for his conduct towards Mr. Barry, was an act of mine in reference to a particular claim, to the amount, I think, of £10, which Mr. Barry felt it his duty to make against the Government, less for the sake of his own emolument than upon professional grounds, I have no doubt. The fact that upon that occasion I resisted, and resisted successfully, the claim of Mr. Barry, ought to show the House that I speak now not in any sense as the representative of the Royal Institute of Architects, but from a persuasion of the justice of this particular case. And in supporting the Motion of the right hon. Gentleman the Member for South Hampshire (Mr. Cowper-Temple), I do so not from any feeling as to the rules which the Royal Institute may have laid down, but because I feel that Mr. Barry has been treated with exceptional and unnecessary harshness. The hon. Gentleman who has just sat down said this was a great attempt on the part of the First Commissioner to save the pockets of the taxpayers. But as Mr. Barry never received any salary, or *honorarium* even, for the services which he rendered, I am at a loss to see how this great saving will be effected. It also remains to be proved whether this new system which has been described by the right hon. Gentleman will really effect any saving to the public. This is the second time, within the last two years, that the Office of Works has undergone a very considerable re-organization. Mr. Layard, the immediate predecessor of the right hon. Gentleman, had not been very long in Office before he proposed extensive changes. These were undertaken after an inquiry prosecuted by the Treasury, and appeared to be based upon the idea that additional architectural assistance was wanted in the Office of Works. Undoubtedly after those changes the office was very strong from the architectural point of view. There was, to begin with, the First Commissioner himself, whose experience and knowledge of architectural affairs are generally admitted; then Mr. Pennethorne, attached to the Office of Works as architect and surveyor; then Mr. Fergusson, who was brought in after this re-organization, expressly as a most competent authority on all architectural matters; finally, there was Mr. Barry, to whom was intrusted what I admit to have been the somewhat informal employment of conducting all the architectural alterations and embellishments which might be required in the Palace of Westminster. This organization having been only a few months at work, the present First Commissioner insists upon re-organization again. Mr. Barry disappears, Mr. Fergusson disappears, Mr. Pennethorne disappears, and a new Engineer officer is brought in, to whom, as far as I could gather from the speech of the right hon. Gentleman, all architectural matters are to be referred. Upon both these occasions the changes appear to have been made rather hastily, and I entertain very considerable doubt whether, as the result, we shall have this increased economy and efficiency, with direct responsibility, which the right hon. Gentleman has promised us. But, granting that all the advantages arise which are anticipated, what is there in the circumstances that makes it necessary to treat Mr. Barry with injustice? The right hon. Gentleman, I think, showed himself a little ungenerous when he quoted from a speech made by his immediate predecessor, when he found himself in a considerable strait, and, fixing upon a particular sentence, he said that Mr. Layard got into this scrape owing to Mr. Barry. The right hon. Gentleman also did me the favour of quoting some expressions which fell from me in that debate. I have not refreshed my recollection as to the precise circumstances; but I have a very strong conviction that what I referred to was the conduct of the First Commissioner himself in going to the Treasury—of which the right hon. Gentleman, now the First Commissioner, was, at that time, the official organ—and asking their sanction to the expenditure of a considerable sum of money for works of a purely ornamental character, which had not been submitted to the House of Commons for approval. I said then that if I and my former Colleagues had acted in the same manner, we should not have heard the last of it for a long time to come. I said, and I reiterate, that the right hon. Gentleman himself, now the First Commissioner, was among the Ministers whose conduct in the transaction was impugned. But the matter does not end there. The right hon. Gentleman would give the House to understand that his predecessor felt so acutely the misconduct of Mr. Barry, that he could only vindicate himself on that occasion by throwing blame upon the architect. Why, so little does Mr. Layard adopt that view of the case, that from his exile—or whatever you like to call it—

Mr. AYRTON: What I said was that Mr. Layard had brought under the notice of the House that this was not an exception, but that it had been the practice of the office; that he was not to blame for what had occurred, inasmuch as his predecessors had been in the habit of conducting matters similarly. It was to put an end to that system that the change was made.

Lord JOHN MANNERS: Well, Sir, after the harsh and unjust treatment which Mr. Barry has received, I now find, from the explanation of the right hon. Gentleman, that what is imputed to Mr. Barry as his fault, was not his fault, but that of all previous Commissioners. It is most unjust, therefore, now, in the eyes of the public, to place the whole weight of blame on the shoulders of Mr. Edward Barry. The right hon. Gentleman proceeded to say that under the new system this great Palace would be under the charge of the same class of officials as had charge of Windsor Palace, Buckingham Palace, Somerset House, and other great buildings. I grant that if it were a mere question of ordinary repairs *cadet quæstio*. Mr. Barry never interfered in that matter. But I venture to remind the House of this not unimportant fact, that, so far as my knowledge of these transactions extends —and I have had the honour of holding the Office of First Commissioner on three different occasions—there never has been a proposal made for any architectural work in Windsor Castle, in Buckingham Palace, or the Tower of London, without calling in the services of that architect who was thought most competent to discharge it. When Buckingham Palace was to be enlarged it was not a surveyor of works, however competent or judicious, that was called in, but Mr. Pennethorne. When we wanted to enlarge Somerset House did we intrust the work to a surveyor of works? No, but to Mr. Pennethorne. And I know it was shortly after that work was completed that Mr. Pennethorne received that very distinction of the gold medal of the Royal Institute of Architects which he valued so highly, but of which the right hon. Gentleman spoke in slighting terms. So with respect to Windsor Castle and the Tower: architectural alterations in them have been entrusted to Mr. Salvin. My belief is, that where you have buildings of vast size and great intricacy, which from the nature of the business carried on in them are subject to constant calls for alterations and additional embellishments, it is not only wise and prudent, but, in the long run, economical to have some one of first-rate and undoubted eminence who can be the adviser of the First Commissioner before he proposes to Government or Parliament any serious changes or embellishments. If I wanted a proof of this I should find it in the unfinished state of the Central Hall. Questions have been asked, if not every week, at least every month, how the right hon. Gentleman intends to complete it, and his answer is—"Don't press me; I am deliberating upon it." Well, if we knew with whom he was deliberating—if we knew he was in consultation with a man of great eminence—it would certainly give the House more confidence in the result. That is the position which has been adopted by other bodies who find themselves in charge of great national monuments of value and interest. At the present moment Westminster Abbey is intrusted to the charge of Mr. Gilbert Scott, and St. Paul's to that of Mr. Penrose, and so of our other great architectural buildings. On public grounds alone I regret that course has been departed from on the present occasion. With respect to the mode in which Mr. Barry has been dismissed, there can be little doubt as to the opinion generally entertained of the short and unceremonious manner in which he has been dealt with after a service of many years. As to the want of courtesy, I can only hope that the result of the explanation offered to the eminent architect may be to soften down some of those wounded feelings which must have been excited by the abrupt, and almost contemptuous, terms in which the correspondence has been carried on. The right hon. Gentleman has now given his reasons for dismissing Mr. Barry. I trust these may have some weight in mitigating Mr. Barry's wounded feelings; but, on public grounds, I must say I am not satisfied with the reasons which have been given.

Sir WILLIAM TITE said, it was not his intention to prolong this discussion; but he wished to give some explanation on two or three professional points, which he hoped would clear away some of the mystery in which this subject had been shrouded. When he had the honour of introducing a deputation to his right hon. Friend the First Minister to-day, he was informed that the question of the right to have these drawings back had been referred to the proper authorities—the Law Officers of the Crown—to determine. With that he, of course, could have nothing to do; but he was bound to state that the feeling of British architects was unanimous and strong against giving up drawings. A public meeting of the members of the Institute was summoned; all the architectural institutes throughout the kingdom had been consulted, and they were entirely of one mind as to the practice of retaining them. It was a rule which he never knew to be interfered with. In his own practice he had never given up a drawing, and, so far as he recollected, he was never asked for one. If he had been asked, he should have given every reasonable information in his power, and, if necessary, copies of any drawings, but not the originals. Every person who had a house built for him was, no doubt, entitled to any means of information, as to drains and flues, &c.; but Dr. Percy had thoroughly examined the whole of that subject in the Palace of Westminster, and, he believed, knew the range of every flue, where it began and where it ended. It was not the practice of Sir John Soane to give up his drawings, and he knew distinctly that he did refuse to give his drawings to his successor, Mr. Cockerell. Sir Robert Smirke also, one of the greatest architects in our day, retained all his drawings. They were bound up in volumes, and stood in his library, and he did not believe he ever gave up one of them. What might be the law of the case he did not know; but the uniform practice had been as he stated. When he was in the profession he could have built a house without a drawing at all. The drawings of the buildings in Piccadilly were, he understood, in the possession of Mr. Hunt, the Surveyor of the Chief Commissioner of Works. With regard to architects' commission, it might be a very foolish way of paying a man for his services; but it was the practice in France as well as in England. In the not very common case when drawings were made and the work not proceeded with, he believed it was the custom to give up the drawings. With respect to the position formerly held by Mr. Barry, the difficulty which architects felt was this—no architect had been appointed in his place. The appointment which their friend had held for 10 years had been suddenly and, as they thought, a little unjustly taken from him, and an engineer appointed in his place, not at all professing to be an architect—indeed, it was said that he told the Chief Commissioner that he was not competent to undertake architectural work. It was for the House to determine whether the explanation which had been given was sufficient. He did not think it would be so considered. The fact that Mr. Barry had not, during 10 years, once exceeded his estimates, showed him to be a master in his profession; he was, in fact, one of the most accomplished architects he ever knew. On his applying to the Institute of Architects, he was told that the practice was to retain the drawings, and, as far as he could see, the Institute of Architects did not deserve the strictures which had been passed upon it. It was a very valuable institution; other professional men had their institutions; lawyers, engineers, and geologists all had their institutions, and no fault could be found with the practice. He had been President of the Institute of Architects for five years, and believed the society was composed of a body of well-meaning gentlemen; and the Government had shown confidence in it by having left to their discretion the appointment of, he believed, no less than 50 district surveyors.

MR. WHITE reminded the House that, in Committee of Supply of last year, he first directed attention to the Vote in the Civil Service Estimates for the beginning of a novel and extravagant scheme for the further embellishment of the Houses of Parliament. In the course of the animated discussion which followed on the Report of Supply, it came out that orders had been given and contracts made by the architect (Mr. Edward Barry) not only without any knowledge by Parliament, but without the sanction of the late Commissioner of Works (Mr. Layard), who was officially responsible for the Estimate. It was then made manifest that the architect was ever devising new schemes, and suggesting what he called improvements, to further swell the enormous outlay already incurred. He (Mr. White) held that the architect was mainly responsible for the continuous and growing expenditure on the Houses of Parliament; for it had become the custom of every Government to adopt the recommendations of the late architect, and also those of his son and successor (Mr. Edward Barry). In proof of this, he read a Minute, signed by the right hon. Member for South Hampshire (Mr. Cowper-Temple), and dated the 24th of September, 1860, recording that the late Sir Charles Barry, acting as he was accustomed to do on his own responsibility, and without communication with the Department of Works, executed many alterations, additions, and repairs, which were not contemplated on the preparation of the Estimate, and incurred an expenditure of £21,286 on works not included in the original Estimate. The First Commissioner of Works (Mr. Ayrton) declined to defend and perpetuate such a system as that, and he ventured to thank him, on behalf of the economical section of the House, for putting an end to a system so detrimental to public economy. As to Mr. Edward Barry's skill, he appealed to the common sense of hon. Members whether the arcade leading to the Underground Railway was not a reproach to any architect? It was out of all harmony with the general building, and consistency required either that it should be pulled down or have an entirely new facade put to it. He again thanked the First Commissioner for having had the courage to put an end to a system alike detrimental to architectural beauty and public economy.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the hon. Member for Brighton (Mr. White), who has just sat down, has pointed out what is really at the root of the matter we are now discussing. The truth is, that as matters have been previously managed in the Office of Works, the responsibility of the Minister has been more nominal than real. As a natural consequence, the great expenditure on public buildings has become a scandal which has been justly complained of for many years. I do not see how it could have been otherwise, when the responsibility was divided. However, the Government have come to the conclusion that an end should be put to the system, and the remedy they applied to this crying grievance was, in the first place, to do away with divided responsibility, and to fasten the responsibility fully and definitely on the First Commissioner of Works for the time being. Of course, to do this we must provide the Minister with the means of discharging his duty, and the only way of doing so was to provide the Office of Works with what it was imperfectly provided with, and that is, sufficient technical assistance to enable a Minister, who is not necessarily conversant with the details of public works, to be equal to the responsibilities thrown upon him. Then came the question—How was this assistance to be supplied? Should we take an architect to advise him? I think good reason could be given, without saying anything disrespectful of the Institute of Architects, why this should not be the course. The very way in which an architect is remunerated is a conclusive reason against it. He gets 5 per cent on the expenditure, and he has, therefore, the most direct interest in making the expenditure as large as possible. That is a sufficient reason for not putting the technical department of the Office of Works in the hands of an architect. Then there was another great objection. If the architect were a man of great eminence, it could not be supposed he would give his time to the public, unless it were at a price much larger than we should be able, with a proper regard to public economy, to offer for the work; and if he were not eminent in his profession, he would not inspire confidence. These were the points for deliberation; and, after a great deal of consideration, the

Government came to the conclusion that the solution of the difficulty lay in appointing some one to advise the First Commissioner of Works—some one who was not a professional architect, but who possessed sufficient knowledge of the subject to enable him to give professional advice. If I might criticize the Office of Works, I would say its fault lay in the fact that it was too strong in architecture, and too weak in the building department. We have endeavoured to remedy that by taking an Engineer officer into the service—a gentleman who has erected a great many buildings in various parts of the country, and who has had an excellent education as an Engineering officer; and I have reason to think that, during the short time he has been in office, the appointment has proved a considerable success. It is not wise to be too confident; but I entertain hopes that the appointment will be found to give great assistance to the First Commissioner in discharging his heavy and responsible duties, and enable him really to be, what he has never been up to this time, thoroughly responsible for the conduct of public works. Of course, such an officer as this would not undertake great architectural works; he would not be intrusted with works of high ornamental character, implying genius in the designer; his business would be plain, matter-of-fact detail; and, as it is quite right this House should be in the charge of some one, I cannot think of anyone better fitted for the office than the gentleman we have nominated. Then, with respect to Mr. Edward Barry, it was manifest to me that when we had an officer competent to discharge this duty, receiving a salary from Government, we should not be doing our duty to the public to put another officer at the work. It therefore followed necessarily from the appointment of Captain Galton that Mr. Edward Barry would be relieved from the duty of being answerable for the Houses of Parliament. We have been told we should always have an architect in charge of this building; but I demur to that proposition. Without saying anything disrespectful of the Institute of Architects, I must say that when they tell us in one breath that we are bound to place our public buildings in the hands of an architect, and that this architect should have power to withhold from us information which we have a right to, they lay upon us hard burdens; and if they will insist upon these laws of their own creation, they must be prepared for our finding some one who will do the work for us without insisting on their rules. I am the last man in the world to say anything against Mr. Barry, of whose abilities and attainments I think a very great deal. I gave evidence of this by the course which I pursued on the occasion of the competition for the Law Courts, when I thought that he had been ill-used by the right hon. Member for Hampshire (Mr. Cowper-Temple). Therefore, I am not likely to say anything in disparagement of Mr. Barry. But I think it right that these things should be kept perfectly distinct, and that we had a perfect right to put an end, if we thought it advisable, to Mr. Barry's engagement. We believed it to be our duty to do so. It does not, however, follow that he was never to be employed again. I hope myself—it is not my business—but I hope that he may be employed when we have any architectural duties to be performed in connection with this House, and it was to that effect that I wrote when he applied to me upon the subject. But that question we must keep perfectly distinct from the general question which we are now considering, which is, whether the Government have done wrong in acting as they have done. The Government have done two things. They have said that these buildings shall be placed for the future under the Director of Works. On that point I have offered such justification as I think necessary. The second is, that Mr. Barry has been required to place at the disposal of the Government the documents and drawings necessary for understanding the structure of the building. I do not wish to go into that controversy to any extent; but, as far as my opinion may confirm the view taken by the First Commissioner of Works, I am of opinion that, as a matter of common justice, where works are executed for a public body, for a private individual, or for a Government, drawings which are of no use except in connection with the building on which the architect is employed, should, on the fullest principles of justice and equity, become the property of those for whom the building is executed. Indeed, I should be much astonished if that were not the view taken by the first special jury to whom the matter was submitted in a Court of Law. I cannot, therefore, see that there is anything wrong in demanding that these papers should be given up. The matter has, however, been to some degree overstated, because Mr. Barry was not asked to give them all up; he was told that he might select any papers to which, out of respect to the memory of his father, he attached particular importance. If matters had remained in their original state, I cannot conceive that there would have been any difficulty; but Mr. Barry, having had communication with his professional brethren, is now put forward to fight the battle on behalf of the profession to which he belongs. The course of the Government, however, is clear. We believe that we are entitled to the papers; Mr. Barry believes he is entitled to their possession. This is not a matter which can be decided by mutual recrimination; it is a question of law, and to a Court of Law I suppose it must go if it cannot otherwise be decided. I have now, I think, gone through the merits of the whole case, and I think we have only been doing our duty in throwing the chief amount of responsibility on the Minister who is by the Constitution responsible for these works; that we have done our duty in placing these buildings under the more complete control of the proper officer; and that we have only done our duty in raising the question whether the public, who have paid for these drawings, are not entitled to their possession. I therefore hope that the House will reject the Motion of my right hon. Friend.

MR. ALDERMAN W. LAWRENCE said, that the debate had entirely shifted from the point at issue. There was no doubt that the Government had a perfect right to dismiss Mr. Barry from his employment; but the question was, whether the son of the man who had designed and erected the magnificent palace in which they were assembled, and who was known to almost every Member of that House, and highly respected amongst his professional brethren, was to receive a letter which no gentleman would send to his butler who had been 10 years in his employment. Sir Charles Barry and his son had received the confidence of successive Governments for some 35 years, and yet the letter which Mr. Barry had received was much of the same character as if a man should send a letter to his butler, saying—"Send me a list of the plate and I will see if it is correct; send me the keys, and I will then tell you what I intend to do." If Mr. Barry had been written to in a gentlemanly manner he would, no doubt, have met the communication in the spirit of a gentleman, and this difficulty would never have arisen. Anyone who read the letter sent to Mr. Barry would think that he had been guilty of some improper act, or that he had in some way insulted the First Commissioner of Works, and that the First Commissioner of Works had in the course he had adopted implied his dismission, and had asked him to give up the drawings. In reference to the possession of those drawings, he considered that the right hon. Gentleman, in arguing that Mr. Barry had never been a public servant, but only occasionally employed, had proved the case against the Government, as it could not be averred that Mr. Barry held the drawings as trustee for the Government, and it must be remembered that no demand had been made for the drawings during the lifetime of the late Sir Charles Barry, or at his death from his executors, and the demand was only recently made in the letter to Mr. Edward Barry. The matter in dispute might at least have been referred to arbitration; but, instead of that, the First Commissioner had referred Mr. Barry to the Legal Officers of the Crown. The argument employed by the First Commissioner of Works was that the public having paid for a commodity were entitled to receive it. That was the word employed by the right hon. Gentleman; and he could conceive the possibility of some people regarding the labour of architects as a "commodity," as he could conceive the possibility of some people not understanding anything unless they could ascertain its superficial contents by a two-feet rule, or measure what it contained in a pint pot. The question was, what was the admitted custom of the architectural profession, and they could see what occurred in other professions. A man engaged in an action at law secured, perhaps, the services of some eminent counsel, who, being possibly otherwise employed, did not appear when the cause was called on. But the eminent counsel did not return his fee, and was not held liable for damages. That was the custom of the legal profession, and was supported by the Inns of Court, which no doubt the right hon. Gentleman (Mr. Ayrton) would call the trades union of that profession. Again, in the case of the engineers, Mr. Joseph Cubitt had informed him that the custom in connection with the railways of the king dom was invariably that the plans and drawings should be retained by the engineer.

Lord ELCHO said, he had listened to the "premises" of the hon. Alderman (Mr. Alderman W. Lawrence), but had not come to the same conclusion. He hoped that his right hon. Friend who had brought forward the Motion (Mr. Cowper-Temple) would be satisfied with the debate without going to a Division. ["No, no!"] He did not differ from his right hon. Friend as regarded that part of his Resolution which said that the discontinuance of Mr. Barry was abrupt. Indeed, so far from differing from him, after listening to all the circumstances of the case, he could not but think that the First Commissioner of Works had treated Mr. Barry with very scant courtesy. In the first place, Mr. Barry had been dismissed in a very summary letter, and subsequently, when asked to give up his drawings, another letter was written, which ought to have been couched in very different terms. His right hon. Friend's Resolution also stated that discontinuance of Mr. Barry's employment as an architect, when the works intrusted to him were still incomplete, was a matter of doubtful expediency. In that he agreed. The expediency of the proceeding would depend very much on the substitute for Mr. Barry, and for his part he could not think that in architectural details Captain Galton was an adequate substitute. But what the House of Commons had to look to was what prompted the First Commissioner to act as he had done, and, clearly from his statement, it appeared he was influenced by this, that the arrangements of the Board of Works was not, and ought not to be, satisfactory to the House—that there was a want of responsibility in the Department. Well, to do justice to the right hon. Gentleman, that was a motive which the Members of the House of Commons ought to approve. Under these circumstances, he was not prepared for the Resolution of his right hon. Friend. He would therefore leave the House and not vote at all, as he felt that Mr. Barry had been treated with scant courtesy.

Mr. WALTER said, he thought it a matter of congratulation that the discussion of this evening was likely to lead to the solution of a much wider question than that involved in the discontinuance of Mr. Barry's services, and that was the question as to the property of the drawings of an architect who might be employed in the building of a house. That was a point in which the country would feel a much greater interest than in the personal matter which had formed the subject of that discussion. He happened to have some experience in connection with architects, and he must say his experience was diametrically opposed to that of the hon. Member for Cambridge University (Mr. Beresford Hope), as well as to that of the hon. Member for Bath (Sir William Tite). There were two ways of proceeding. If a gentleman was building a house, he might employ an architect to make the drawings, and if the architect was also employed to carry out his plans he would be entitled to a commission of 5 per cent; but there was another course which was not unfrequently pursued, and that was to pay an architect for making drawings only, without requiring him to superintend the building of the house, and then he was only paid half 5 per cent. In that case no one would say that the architect had an absolute right to those drawings. But there was another case still; the employer might retain the drawings and never execute the building at all. Would his hon. Friend contend in that case that where an architect had been paid for his drawings he still retained a right to keep them in his own hands. What could be more absurd? In fact, it was only common sense that the man who paid for the drawings should have the exclusive right to possess them.

Mr. GLADSTONE: Before the House divides—as I understand we are to have a Division—though after the speech of the Chancellor of the Exchequer it is not necessary to go through the general argument, yet I am very desirous that some attention should be paid to the terms of the Motion on which we are going to vote; for, though I am not surprised that a Motion of this kind should have been made, I am not a little surprised that it should have been made by one experienced Commissioner of Works, and supported by another. I wish the House to look for a moment at the bearing of this Motion, on the principle of Parliamentary responsibility, for I am not aware of any step by which this House can more effectually relax and destroy the responsibility of Ministers, and weaken its own power of controlling the public expenditure, than by interposing and saying to a Government—"We will point out to you the man whom you shall employ." It is quite evident after that has been done in vain does the House interpose and attempt to assert its own authority over the Ministry. The Motion is this—

> "That, in the opinion of this House, the abrupt discontinuance of the employment of the architect who has hitherto been engaged at the Houses of Parliament whenever professional skill and responsibility were required, at a moment when works entrusted to his direction were still in progress, is uncalled for, and of doubtful expediency."

The proceeding taken by the Government, in what is called "the abrupt discontinuance of the employment" of Mr. Barry, is to be censured by the House. That, I apprehend, is not very far removed from a direction on the part of the House to reinstate Mr. Barry in his post. It appears to me that is the only construction which can be put upon the words. That is their tendency—that they verge in that direction is perfectly intelligible. But are the words accurate? I will not comment now on the use of the words "abrupt discontinuance." Much has been said in this debate as to the language of my right hon. Friend's letters. It has been said that it was hard, dry, and uncourteous, and that it is open to another epithet invented for the occasion by the Member for the University of Cambridge, which I will not aggravate his responsibility by repeating and attempting to incorporate in the English language. But the question of the manner of dismissal, if dismissal it were, is not the one now before us. I want to know what it is that has been discontinued, because this is most important and goes to the root of the whole matter. Perhaps my right hon. Friend will say that Mr. Barry had an employment—and a distinction is to be drawn between an appointment and an employment. I deny that he had an employment. It is particularly disagreeable to be called upon to discuss a personal matter of this kind in the case of a man so eminent in his profession as Mr. Barry, and one who has innocently suffered from laudable attempts to distinguish himself in the public service. I was myself one of the persons unfortunately chosen, as it afterwards proved, to attempt the award of premiums in the case of the competition for the Courts of Law some years ago, and it was our miscarriage—I bestow no censure upon anybody else—that laid the foundation of those difficulties which certainly resulted, I do not say in the disparagement of Mr. Barry, but in the disappointment of the hope and expectations he might have been fairly warranted in entertaining. Therefore, I trust I shall say nothing that can possibly be supposed to disparage the character or show indifference to the feelings of Mr. Barry. But it is right the House should have in view his own description of his relation to the Government, because it has been overstated, unconsciously I am sure, both by my right hon. Friend behind me (Mr. Cowper-Temple) and by the hon. Member for the University of Cambridge (Mr. Beresford Hope). My right hon. Friend behind me said distinctly and repeatedly that Mr. Barry was an officer of this House and that he was dismissed. I say he was no officer of this House. My hon. Friend opposite said Mr. Barry had an equity of continuous employment. Let us see whether that be so. Mr. Barry himself, in January of this year, said—

> "I do not hold any appointment in virtue of which the building is in any sense under my charge. I have no responsibility in respect of it, except as regards such works as are entrusted to my superintendence from time to time."

That is the position of Mr. Barry in reference to this building. Now, my right hon. Friend behind me says there has been a discontinuance of Mr. Barry's employment. I ask what discontinuance in his employment? My right hon. Friend appears to have framed his Motion under the impression that he was dismissed while works entrusted to his direction were still in progress. Evidently the meaning of that is, that the completion of those works was to be taken out of Mr. Barry's hands. I do not think my right hon. Friend will question that that is the natural construction of the words which he and another First Commissioner of Works are about to affirm by their votes. Then the House is called on to affirm that works intrusted to Mr. Barry's direction are about to be taken out of his hands. That is the main portion of the case of the abrupt discontinuance of his employment. Now, that is a statement of fact which happens to be entirely without foundation. There is no work in progress that is about to be taken out of his hands. He is to complete the works in progress exactly as if the correspondence had never passed. Then, as to his employment for the future, is that to be discontinued? Where is the authority for stating that the Government have ever announced that the employment of Mr. Barry in future is to be discontinued? My right hon. Friend the Chancellor of the Exchequer says he has given an opinion that Mr. Barry ought to be employed in future when the services of an architect were required for this building. I myself have never given an opinion on that subject, certainly I have never given one adverse to that declared by my right hon. Friend. So much, then, for that ground upon which the House is asked to undertake this hazardous and critical interference. I affirm that the employment of Mr. Barry as an architect never has been discontinued in regard to works in progress, neither has it been declared to be about to be discontinued in respect to works which may hereafter be deemed necessary. What has really been done is this — It was the custom in this one and only case of a building under the direct control of Parliament — in this case, which was made an exception to all the other public structures of this country—I do not refer to a structure like the Museum, under the management of a *quasi* independent body—it was the custom in regard to this particular building alone that Mr. Barry should be called upon from year to year to send in his sketch and estimate of the works that, in his judgment, would be necessary. Therefore, Sir, the whole care of the building was exceptionally committed to Mr. Barry. We see what the effect of that system was. I have been referring with pain to the debates of last year, when we were most severely challenged, and by no one so much as by the right hon. Gentleman the Member for Northamptonshire (Mr. Hunt), for having acceded to, and been implicated in, a proceeding by which a contract had been made for the execution of works connected with this House before a Vote and Estimate had been submitted to Parliament; and it was my duty to rise in my place and apologize, as best I could, for the proceeding as part of a system that had grown up under this exceptional mode of treating the Houses of Parliament on a basis totally different from that on which every other public building is dealt with. And what is our present offence? Setting aside the alleged abruptnesss—which of itself I suppose would hardly constitute a sufficient ground for passing a censure on the Government—our offence is simply this—that the primary duty and responsibility of considering the state of this building and raising the question of what may be necessary to be done in it from year to year we have removed from that exceptional arrangement and placed on the same footing as that on which every other great public building in the country is managed. That, then, is really all that we have taken out of Mr. Barry's hands—not that he is less fit than any other architect to perform his duty, or that he has at all misconducted himself in any way in the execution of his work, but that we hold that a public officer strictly responsible to the Government and to this House should have charge of this as of every other public building and its superintendence, and that the calling in of an architect for architectural purposes should be determined on from time to time in respect to this building as in the case of Windsor Castle and the other public structures; and no such absurdity is contemplated as that when the special knowledge and skill of an architect is required we should refrain from availing ourselves of them. The worthy Alderman (Mr. Alderman Lawrence) said if we had confined ourselves to withdrawing employment from Mr. Barry there might not have been a word to be said against it, and he founded himself mainly on the question raised in regard to the property in architectural drawings. It was certainly most singular that my hon. Friend in saying that the debate had wandered from the question should himself have illustrated his statement, for the Motion, which he is inclined to support, does not say one word about the property in drawings, which he tells us in his view constitutes the gravamen of charge against the Government. As to architectural drawings, I would only say this—I have had the opportunity of hearing the arguments of the Institute of Architects on that subject to-day, and I must own that, without inquiry what is the custom or the law—on which it would be presumption in me to pronounce or even insinuate an opinion—I am astounded at the argument maintained and apparently supported to-night by the hon. Member for the University of Cambridge (Mr. Beresford Hope)—namely, that the drawings necessary to illustrate the state and the arrangements of a building belonging to an individual, an institution, and a Government ought not to be in the possession of that individual, institution, or Government, but in the possession of the man who erected that building. If, indeed, perpetuity of tenure were to be enacted for architects in the most rigid form, undoubtedly that would be the most ingenious mode of attaining that end; but we are not about to vote on that matter, but on the discontinuance of an employment with regard to which we have shown that the Motion is wrong in point of fact in asserting that works now in progress are taken out of Mr. Barry's hands; that it is wrong in presuming that works hereafter to be executed must necessarily be withheld from Mr. Barry. All which it does is to censure Government, because, finding a total want of efficient control on the part of Parliament in regard to the management of these buildings, they have thought it their duty to apply to them the same arrangements by which every other building under the control of Parliament is managed.

MR. GATHORNE HARDY: Sir, I had intended to take no part in this discussion; but some of the right hon. Gentleman's (the First Minister's) remarks compel me to do so, because they seem to me entirely inconsistent with the correspondence before us. The right hon. Gentleman says—and technically, perhaps, he is correct—that Mr. Barry did not occupy any special office in this House, but he has had employment under the First Commissioner of Works. In his first letter Mr. Barry says—

> "I was appointed, in 1860, by the Right Hon. W. Cowper, M.P., the then First Commissioner of Her Majesty's Works, &c., to be my father's successor as architect to the building. I have acted for the last ten years in this capacity, and have carried out numerous works under the orders of successive First Commissioners."

Having enumerated those works, he goes on to say that he never exceeded his estimates on a single occasion; that he had fixed offices in the neighbourhood of the Houses of Parliament, although he received no remuneration for those offices at all; and that, in fact, he has treated the matter rather as a matter of distinction and concerning his father's honour and his own, and that in that spirit he was content, except when works were carried on, to be without salary or anything which the right hon. Gentleman would call a definite office. Then, with regard to the drawings, the late Sir Charles Barry made a bequest of the drawings of this House to his son. It is quite clear, therefore, that he was never asked for them before that, and that he supposed them to be his rightful possession. I do not enter into the question of law—that, it appears, is to be determined hereafter—but it is quite evident that Sir Charles Barry believed he had a right to bequeath his drawings to his son, and his son in the same belief continued to hold them. Nor let it be supposed that Mr. Barry has withheld what was necessary should be given for the due arrangements of this House. On the 21st of March, 1870, he offers tracings of all drawings that may be required, and says he is willing to give originals or tracings of all drawings made in his own office during his engagement, which have been signed as contract drawings and referred to as such. The right hon. Gentleman says he is astonished at the claim made by the architect — [Mr. GLADSTONE: Astonished at the argument.] I ask whether, when plans were being had for the Law Courts and National Gallery, it was not made an express stipulation that the drawings should be the property of the country? Why should that stipulation have been made if they necessarily would have been the property of the country without it? I want to make one remark concerning what the right hon. Gentleman has said about the continuous employment of Mr. Barry. On the 14th of March, 1870, Mr. Barry wrote—

> "As regards the works now in hand, and partly executed, I have already forwarded to you all the contracts relating to them. They consist, as you are aware, of works in the Central Hall, St. Stephen's Crypt, the Queen's Robing Room, and the Royal Staircase. The estimates for these

> services have been sanctioned by the House of Commons, and sums voted on account of them. I commenced the works by official direction of the Board on the faith of being allowed to complete them. It is obviously unfair to a professional man that others should be intrusted with the completion of his half-finished work, and no architect who valued his reputation could consent to such a course."

In answer to the letter in which that statement was made, was Mr. Barry told he was to complete the work on hand? Quite the contrary. Mr. Russell, on the 17th of March, states—

> "I am to add that the First Commissioner declines entering into any question relating to your future employment under this Office until you have complied with the request contained in the Board's letter of the 22nd of January last."

There was no understanding conveyed in that letter to the effect that Mr. Barry would be employed for the unfinished work, still less that he was to be employed in connection with any work undertaken hereafter. The right hon. Gentleman the First Minister of the Crown said that Mr. Barry would be the man employed hereafter.

MR. GLADSTONE: I said the construction of the Vote would be that.

MR. GATHORNE HARDY: Then the right hon. Gentleman did not say that he would be employed?

MR. GLADSTONE: I beg pardon. I did say distinctly that he would continue to be employed in connection with the works already in hand.

MR. GATHORNE HARDY: Then it was unnecessary for the right hon. Gentleman to have risen. Again I must refer to the passage in Mr. Barry's letter which I have already read to the House. There he speaks of "the works now in hand, and partly executed," and the answer is that which I have read. Does not it refer to the works in hand?

MR. AYRTON: The right hon. Gentleman was not here, I presume, during the earlier part of the discussion, and, therefore, he is, perhaps, speaking without knowledge. It was shown this evening that Mr. Barry had an engagement for certain works. Consequently the passage which he has read from the answer to his letter of the 14th of March had reference to his being called on in respect of future works.

MR. GATHORNE HARDY: The House has now the correspondence before it, and I ask is that the meaning of the letter of the 17th of March? [MR. AYRTON: Yes, it is.] Then the right hon. Gentleman had better write his letters himself. I must again remind the House of what Mr. Barry says in his letter of the 14th of March, and ask them to take it in connection with that statement in the reply. What is the employment in question? Mr. Barry referred to the half-completed contracts. It is now said that Mr. Barry is to complete those works; but I venture to think that anyone judging from the correspondence would be of a different opinion. Mr. Barry had been 10 years employed under successive First Commissioners. I do not say that he held any office in the Office of Works; but he was employed as architect of this building. On the 22nd of January a letter is written to him which was calculated to make him think he was to be dismissed from all supervision of the works connected with the Houses of Parliament, and yet in that letter there is not a word of acknowledgment of his services. Is that proper treatment for a man who has served the country under the Office of Works? The hon. Member for Brighton (Mr. White) read something which related to estimates in the time of Mr. Barry's father. Whatever Mr. Barry had done in the way of directing works had received the sanction of this House, and it appears that he had never exceeded his estimates. He had given satisfaction as architect, and yet he is dismissed without thanks. I cannot help thinking that this has been an unnecessarily abrupt and unkind dismissal of a man who has done good service to the country. The profession of architect is a high one, and the higher we can keep it the better for the country. I ask whether the course adopted towards Mr. Barry is worthy the approval of this House, or whether, on the contrary, it ought not to meet with the disapproval of the House in the mild terms of the Resolution proposed by the right hon. Gentleman the Member for South Hampshire (Mr. Cowper-Temple)?

MR. W. H. GREGORY said, he had come down to the House prepared to support the Motion of his right hon. Friend (Mr. Cowper-Temple); but, after the speech of the First Minister of the Crown, he thought his right hon. Friend would be hardly justified in going to a Division. He thought it due to Mr.

Layard to say that, when filling the Office of First Commissioner, he made arrangements by which the architect was to be employed only purely in architectural matters.

MR. COWPER-TEMPLE said, he wished to know distinctly from the right hon. Gentleman at the head of the Government whether it was intended that Mr. Barry should be employed to carry out the uncompleted works, and whether he would be employed on future works?

MR. GLADSTONE: The right hon. Gentleman has, contrary to the rules of the House, put to me a question which it is contrary to the rules of the House that I should answer. I am not the First Commissioner of Works, and I can only make use of the information which has been given to me upon the subject; and, therefore, I can only repeat what I before stated—namely, that there has been no withdrawal of the employment of Mr. Barry as far as the uncompleted works were concerned, and that no announcement has been made to Mr. Barry respecting his employment upon future works.

Question put.

The House *divided*:—Ayes 152; Noes 109: Majority 43.

Original Question, "That Mr. Speaker do now leave the chair," by leave, *withdrawn.*

Committee *deferred* till *Monday* next.

LIFE AT SEA BILL.

On Motion of Mr. PLIMSOLL, Bill to provide for the greater security of Life at Sea, *ordered* to be brought in by Mr. PLIMSOLL and Mr. WHEELHOUSE.

Bill *presented*, and read the first time. [Bill 127.]

VALUATION OF LANDS AND ASSESSMENTS (SCOTLAND) BILL.

Committee *nominated* as follows:—The LORD ADVOCATE, Mr. DALGLISH, Mr. M'LAGAN, Sir EDWARD COLEBROOKE, Mr. CHARLES DALRYMPLE, Mr. ORR EWING, Mr. MATHESON, Sir GRAHAM MONTGOMERY, Mr. MACKINTOSH, Lord GARLIES, Mr. FINNIE, Mr. JOHN HAMILTON, and the Marquess of BOWMONT:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at a quarter before Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, 16th May, 1870.

MINUTES.]—PUBLIC BILLS—*First Reading*—Education (100); Churchwardens Liability* (101).

Committee—Report—Oyster and Mussel Fisheries Supplemental (No. 2)* (82).

EDUCATION BILL—(No. 100.)

(*The Lord Stratheden.*)

PRESENTED. FIRST READING.

LORD CAMPBELL, who had placed a Notice on the Paper "to call attention to the subject of appropriating a portion of the rates in boroughs for the support of existing schools, and to move a Bill upon it," said, that the Bill he now sought to introduce was identical with that which he had presented at the close of last Session. He was induced to persevere because he was actuated by a long-acquired conviction that the power of compulsory attendance, which had succeeded in Germany and Switzerland, might be adopted in this country. This, however, was the first measure in which that principle had been effectually embodied; for though he was at first under the impression that the Government Bill secured the object he had in view, he afterwards discovered that this was not the case. The Bill was, in great measure, based on that of 1853, introduced by the noble Earl (Earl Russell) who was just restored to their Lordships' House; for, like the latter, it drew a distinction between the urban and rural population, attempted to utilize the power of Town Councils, contemplated the imposition of a rate, respected existing interests, and recognized the jurisdiction of the Privy Council. The only important difference was, that the present Bill made the imposition of a rate obligatory, and that it gave to Town Councils the power of compulsion, which was generally desired. Under his scheme Town Councils would create school Boards, and 2*d.* in the pound added to the assessment of the borough rate would form a fund available for the support of all inspected schools, as well as of ragged and night schools. Where compulsion was required free orders would be given, parents being allowed to choose which school they would send their children to. It might be objected that the Bill passed over the rural population; but educational destitution existed to a larger extent in the great towns than in the country, and he might assume that the Government Bill would make sufficient provision for the agricultural districts. Schools of the existing class were mostly adapted for the reception of children of all denominations; and all might be so adapted, while they would be multiplied to any required extent. Thus, the creation of a new type of schools, which was the source of all the controversy and discord which existed, and which would soon become the rivals of the existing schools, would be avoided. The principle of compulsion, moreover, being new and untried, would not have a fair chance unless it enlisted the sympathy and co-operation of the Anglican and Nonconformist clergy, which would not be obtained if the population were driven into schools which the clergy regarded with jealousy and coldness, if not with horror and aversion. If the Government Bill should come up to their Lordships and should be found defective, the clauses of this measure might suggest how it should be amended; and if the vicissitudes of Public Business should prevent its reaching this House, their Lordships would be able, by modifying the present measure, to meet the deficiency which chiefly called for legislation.

Earl GRANVILLE said, the noble Lord had adopted a perfectly legitimate mode of explaining his view of what he thought would be the most expedient measure with regard to education by laying a Bill upon the Table. He thought, however, it would be the feeling of the House that it would not be desirable to prosecute the Bill beyond the present stage. In the first place, an important measure on the subject was in progress through the other House, and he hoped it would be fortunate enough to reach this House during the present Session. It would be more convenient to discuss the general question of education when that measure came before their Lordships, for he understood the noble Lord to admit that it partly fulfilled the object he had in view. There was another objection to which the present Bill—though, of course, he had not yet seen it—might be open; for although it would be perfectly competent for their Lordships to pass it, some difficulty on the score of privilege might arise if it were sent down to the other House.

A Bill to enable Town Councils and Local Boards to promote Education in England and Wales, *presented;* read 1ª. (No. 100.)

THE RITUAL COMMISSION.

QUESTION.

The Earl of SHAFTESBURY asked the noble Earl the Secretary of State for the Colonies, At what time the Ritual Commission would make their Reports? In connection with this subject he desired to read an extract from a letter which had appeared in *The Globe*, written by the Hon. and Rev. E. V. Bligh—

> " The Ritual Commission has been sitting three years! The questions referred to it admitted of being answered within three months. Tillotson's Commission, in 1689, sat for six weeks, meeting 18 times; and, with the aid of six sub-committees, revised the Prayer-book, from the Calendar of Proper Lessons down to the Commination Service. Their recommendations are deficient neither in extent nor in wisdom, covering the whole ground of the Church of England formularies, and dealing with most, if not all, of the disputed or doubtful passages."

He (the Earl of Shaftesbury) would remind their Lordships that, in 1867, he brought forward a Bill for the regulation of the Vestments used in the Services of the Church. It was met by an Amendment on the part of the then Archbishop of Canterbury, supported by Lord Derby, then Prime Minister, that the debate be adjourned for two months, and that in the meanwhile a Commission should be appointed to inquire into all these matters; and hopes were held out that the Committee would report at the end of two months, in time to proceed with legislation if necessary that Session. It was added, moreover, that Vestments should first be inquired into and first reported on. Up to the present time, however, there had only been a Report on the Lectionary, although Vestments stood first in order in the terms of the Commission. He would not give an opinion on this delay until he knew all the circumstances; but he wished to know when the Commission would make its final Report?

Earl GRANVILLE said, he had made inquiry of a right rev. Prelate who was a member of the Commission, but who was not at that moment in the

House, and had learnt from him that the Report would be ready in a short time.

The Bishop of WINCHESTER said, he should be glad to explain exactly how the matter stood. The Commissioners would meet to-morrow, and also on Thursday and Friday, for the purpose of going consecutively through, he trusted, the small remaining part of the business intrusted to them. That business had, it was true, occupied them a long time, but he did not think that time had been in any way wasted; and there had, as he could testify, been no want of care and labour in inquiring into the matters which Her Majesty submitted to them. They had already made two Reports, though the noble Earl, he understood, had mentioned but one. The noble Earl had referred to the Commission which sat under Archbishop Tillotson, contrasting the rapidity with which it reported with the tardiness of the present Commission; but he (the Bishop of Winchester) would beg their Lordships to observe what the result of that rapidity was. The Report was never accepted—nothing came of it. This was the consequence of that rapidity which the present Commissioners had avoided —although some persons, perhaps, would have liked to have seen them show more hastiness. Considering that the questions to be inquired into touched the deepest feelings of many parties in the Church, great rapidity of decision, however wise it might have seemed, and whatever its advice might have been, would have been, he thought, unwisdom. It was essentially necessary that those out-of-doors, as well as those engaged on the Commission, should proceed with great deliberation in these matters. Indeed, he believed that the publications which had issued from the Commission from time to time—the large publication of evidence supplementing their first Report, and the like — had been of great use in allowing persons to form an opinion on these subjects, and thus to assist the Commissioners in giving their answer to Her Majesty with some hope of a really good result. As a constant attendant on the Commission he could positively state that there was no desire to lose time; but the difficulties of the question had been very great, and the matter needed to be thoroughly exhausted if the result was to be satisfactory. He trusted that now within a very short time their final Report would be issued. The Commissioners had already given an important Report on the Lectionary of the Prayer Book, which, he believed, owing to the time devoted to it and the time necessary to consult those outside as to what they were prepared to recommend, had met with a most unusual degree of acceptance in the Church. That had been finished, and it now rested with Parliament to adopt it or not. The remaining subjects would, he hoped, very soon be disposed of; and he trusted that their Report would bear the marks of care, of prudence, of the absence of hastiness, of a resolution to maintain important principles, and of a readiness in things indifferent to consult men's feelings as far as possible.

CHURCHWARDENS LIABILITY BILL [H.L.]

A Bill for the relief of Churchwardens from liability for payments formerly made out of the Church Rate—Was *presented* by The Marquess of Salisbury; read 1ª. (No. 101.)

House adjourned at a quarter before
Six o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 16*th May*, 1870.

MINUTES.]—New Writ Issued—*For* Suffolk (Eastern Division), *v.* Hon. John Major Henniker-Major, called up to the House of Peers.

Select Committee—Steam Boiler Explosions, *appointed.*

Public Bills—*Ordered—First Reading*—Kensington Road Improvement * [128].

Second Reading—Army Enlistment¹ [106].

Select Committee — Public Prosecutors * [45], *nominated.*

Committee—Irish Land [29]—R.P.

Committee—Report—Gas and Water Facilities * [77]; Pier and Harbour Orders Confirmation * [117].

METROPOLIS—THE DETECTIVE POLICE QUESTION.

Lord EUSTACE CECIL said, he would beg to ask the Secretary of State for the Home Department, Whether he has any objection to state, for the information of the House, the number of burglaries that have taken place in the parishes of St. George Hanover Square, St. James, Chelsea, Kensington, Marylebone, and Paddington, as well as the number of persons that have been apprehended or convicted for such offences since the 1st of November last; and, whether he contemplates any addition to or reorganization of the Detective Police Force of the Metropolis, with a view to the better protection of property?

MR. BRUCE: Sir, the number of burglaries committed in the parishes mentioned by my noble Friend amounts to 14, and in connection with these four persons were apprehended, three were committed for trial, and two were convicted. Of these burglaries, four were committed in St. George's, Hanover Square, and one person was apprehended, but sufficient evidence could not be procured to insure his conviction. In St. James's parish there was no case of burglary. I may here remark that this Return relates to the period between the 1st of November last and the 14th of May. In Chelsea there were no burglaries. In Kensington there were eight burglaries, and one person was apprehended, who is now on his trial. In Marylebone there was one burglary committed, and one person was apprehended and convicted; and in Paddington, where one burglary was committed, one person was also apprehended and convicted. But this statement, I understand, taken by itself, would convey a very inadequate and erroneous impression of the exertions of the police. Since the 27th of February, when there was a special outbreak of this class of crime in the West-end of London, a body of detectives, under an Inspector, has been told off for the purpose of watching the neighbourhood; and no less than 12 persons have been apprehended and convicted of loitering for the purpose of committing a burglary. In these instances, therefore, at least 12 cases of burglary have been prevented, independently of other cases in which the presence of the detectives probably prevented the perpetration of offences which would otherwise have been committed. I may state one circumstance connected with these robberies which will show how difficult it is to procure evidence of such a character as to secure conviction. The House has heard that in Kensington eight burglaries were committed, and that only one person was convicted. In one of those burglaries two persons were engaged. The servant-maid in the house heard a noise, and entered the room. The two men jumped out of the window, and the girl fled in a different direction for the purpose of giving an alarm. She did not see enough of the burglars to enable her to identify them; but her description put the police on the track of a couple of men who were known to belong to a certain gang. For some time the police could gain no intelligence of the men; but at last the detectives, by following a woman who was known to be connected with them, discovered them both in St. Bartholomew's Hospital, where they had been taken in consequence of the severe injuries they had received—they having, in jumping from the window, fallen on the spikes below. The police found the cabman who had conveyed them to the hospital; but, in consequence of the servant being unable to identify them, the magistrate did not consider the evidence sufficient to convict, and discharged them. With reference to the second part of my noble Friend's Question, I may state that from the first moment that I accepted the Office I now hold this matter has received my special attention. In 1842, when the detective force was first formed, the total number of detectives connected with Scotland Yard was 8; in 1856, there were 10; in 1859, 9; in 1864, 11; and in 1867, 12. Early in 1869 they were increased to 26; and in July, 1869, when the force was completely reorganized, in addition to the 26 attached to Scotland Yard, who were frequently employed outside the metropolis, 20 sergeants and 160 men, carefully selected, were distributed among the different metropolitan divisions. It is obvious that a large and effective force of this nature cannot be formed very rapidly. The very object of their duties, and the fact that much supervision of their proceedings is impossible, make it necessary that the characters as well as the fitness of the men should be well and carefully considered. Still the House will see that within a short time the number has been increased from 26 to 206. Although I am fully prepared to admit the ill effects which ensue from the committal of crimes of the magnitude alluded to by my noble Friend where conviction of the offenders does not follow, I must, at the same time, remind the House that the effect produced by this increase of the detective force has been considerable. The House would be misled if it allowed its attention to be exclusively directed to such of these larger offences as remain unpunished. I stated the other day that since the employment of these detectives the number of the graver offences had diminished by one-tenth, a considerable reduction, when it is borne in mind that that reduction has been effected upon 7,000 offences. If, however, we limit the inquiry to burglaries and cases of housebreaking within certain hours of darkness, we shall find that a comparison with the previous six months shows a reduction of one-fifth, and that reduction has been accomplished by a force which is still in its infancy. I have no doubt myself that a force which has already done so much will still do more. It may from time to time be necessary to increase its numbers; but, as we are now trying an experiment, I do not think that any great addition can be made until, at all events, we have had an opportunity of thoroughly testing its success.

DUPLICATE WORKS IN THE BRITISH MUSEUM.—QUESTION.

MR. C. DALRYMPLE said, he would beg to ask the right hon. Member for the University of Cambridge, Whether, since by the Copyright Act all publishers in the United Kingdom are bound to furnish to the British Museum a copy of every book, and of every new edition of a book published by them, and since as long ago as 1848 Mr. Panizzi reckoned the duplicates alone in the Museum at 50,000 volumes, it might not be possible, in the opinion of the Trustees, that such duplicates should be distributed, under proper regulations, so as to form the nucleus of public free libraries, or to supplement deficient libraries; and, whether by this means the British Museum might not be judiciously relieved of its superabundant books, without impairing the efficiency of the collection?

MR. SPENCER WALPOLE said, that before replying to the hon. Member, he must correct two inaccuracies which occurred in his Question. It was not necessary, under the Copyright Act, to send to the British Museum a copy of every new edition, but only of such editions as contained alterations. The evidence of Mr. Panizzi was that the number of duplicates was 10,000, and not 50,000, as stated. Supposing that the duplicates could be parted with, he admitted that it would be very useful to apply them to the purpose suggested by the hon. Member; but it was necessary to explain that there were three classes of duplicates in the Museum. In the first place, there were books which were supposed to be duplicates, but which were variations of and additions to the original work. In a national institution like the British Museum it was of great importance that such editions should be preserved, partly for the purpose of showing what changes took place in the author's thoughts, or mode of dealing with his subject, and partly to illustrate literary, historical, and scientific questions with reference to the opinions formerly entertained by the author. These editions were not in fact duplicates, and the House would see that it was not desirable to part with them. The second class comprised real duplicates of works which were also to be found in the King's and the Grenville Libraries. But the copies in these libraries were of a much finer character, some being printed on vellum, and others having manuscript notes and annotations, so that the duplicates were required for the use of ordinary readers, in order to preserve the more valuable copies from unnecessary risk of injury. The books in the third class were also duplicates; but it was difficult to say what limit ought to be put to them, inasmuch as they were dictionaries, encyclopædias, modern histories, and works of great interest, in daily use by the students—from 200 to 300—in the Library. He thought the House would see from these facts that the question could not be easily dealt with. There had been occasions in the history of the Museum when some of these duplicates had been sold for small sums; but it was evident that the utmost care should be exercised in the matter, because of the works so disposed of within the last 20 years it had been necessary to re-purchase two at an immense price. One of these books was a work with Henry the Eighth's comments upon an ecclesiastical treatise of his time, which had escaped the keeper's notice; and it was bought back for 30 guineas. The other was a copy of Bacon's *Advancement of Learning* with the Apothegms; there being some additions thereto in the handwriting of Charles the First. This work the Trustees were obliged to re-purchase for even a larger sum than the one he had mentioned. These were negligences of bygone days. He did not say that there were not some duplicates which, under proper regulations, might be parted with; but the Trustees would require to have absolute power given to them by Parliament to enable them to do so; and if such power was given, he hoped the House would take care that it should only be exercised under the strictest regulations. Under these circumstances, he could not give the hon. Member a more favourable answer; and he thought that more consideration should be given to the subject before anything was done in the matter.

IRELAND—PRIMARY EDUCATION.

QUESTION.

MR. VERNON HARCOURT said, he would beg to ask the First Lord of the Treasury, Whether he can inform the House what has become of the Royal Commission, appointed in January 1868, to inquire into the condition of Primary Education in Ireland, and which was directed by Her Majesty—

> "To certify to Her from time to time their several proceedings as the same should be completed; and within the space of fourteen months to certify to Her the whole of their proceedings;"

whether the Commission in question, after the lapse of double the period so prescribed, has certified to Her Majesty the whole or any part of its proceedings; whether it is still sitting; and when it ceased to take evidence; whether it is true that, the original Grant for the Commission having been taken at £1,400, the actual expenditure for the year ending March 1869 was £8,905 (an excess of £7,505, which is explained in the Appropriation Accounts as due to "two paid secretaries and a considerable increase of the clerical staff"), with a further estimated expenditure since that date of £5,450; whether when the Vote was taken for the Commission in 1869, it was stated in the Estimates that the Commissioners expected to complete their Report in 1869, and that the actual and estimated expenditure on the whole would not exceed £5,600, whereas such expenditure has reached the sum of above £14,000, and the Commission has failed to Report; and, if so, when the termination of its existence may be hoped for; whether it is the fact that the Commission has agreed to recommend the abolition of the National System of Mixed Education in Ireland; and, whether the proceedings of the Commission up to the present time will be laid upon the Table of the House before the further consideration of the Elementary Education Bill?

MR. GLADSTONE: With regard, Sir, to the first portion of my hon. Friend's Question, I believe he is quite correct in the recital he has made with respect to the time which the inquiries of the Commissioners were originally expected to occupy. But upon application that time has been prolonged more than once; first by the Home Office, and afterwards by the Treasury, and for reasons which appeared to be very satisfactory. However, it is true that the Commission has taken a very much longer time than was expected. With regard to the second branch of the Question, I am not aware that the Commission has certified any portion of its proceedings. It ceased to take evidence a considerable time ago, and I apprehend I may so far meet the desire signified in the Question by saying that its sittings are at an end. The third part of the Question refers to the expenditure of the Commission, and I believe I may say that all the hon. Member's figures are correct. Whether they contain the whole case is another matter, and, of course, it would be idle for me to attempt to answer the Question as to the various explanations of which those items may be susceptible. But if my hon. Friend likes to move for a Return of the expenditure connected with the Commission, he will, of course, be able to obtain it, with all explanations that may be held to be requisite. The time for doing that would be very shortly—within, I think, a fortnight or three weeks from this time. Then with regard to the fourth portion of the Question, which asks whether the Commissioners had agreed to recommend the abolition of the national system of mixed education in Ireland, I may say that neither I nor Her Majesty's Government are cognizant of the recommendations of the Commission. The hon. Member's fifth

Question, is whether the proceedings of the Commission will be laid on the Table of the House before further consideration of the Elementary Education Bill? I cannot compare those two incidents accurately, because I cannot state positively the time for the one or the other. But I hope that in the second week in June, speaking generally, or thereabouts, we may be able to go on with the Committee on the Education Bill. With respect to the Report of the Commission, I am rather sanguine that it will be laid on the Table before that time; for an assurance has been conveyed to the Government from the highest authorities that the Report will be ready for presentation to Her Majesty by the 1st of June. Therefore I hope that immediately after the Whitsuntide Recess it will be laid upon the Table. Whether all the evidence will be also ready at that time I am not able to say.

WEST COAST OF AFRICA—CASE OF MR. HUGGINS.—QUESTION.

SIR JOHN GRAY said, he wished ask the Under Secretary of State for the Colonies, Whether he has any objection to lay upon the Table a Copy of the Judgment delivered by His Excellency the Governor of the West Coast of Africa, relative to the sentence passed by Mr. Huggins, one of the Judges of that Colony, on certain of the Natives?

MR. MONSELL said, in reply, that no formal judgment in the case of Mr. Huggins had been delivered by the Governor of the West Coast of Africa; but when his Excellency was in this country in August last, he was consulted on the matter, and expressed an opinion that Mr. Huggins was free from blame. An Ordinance had been passed to prevent any misconstruction of the law in future, so that no further inconvenience would arise. He (Mr. Monsell) did not think it necessary to produce the letter written by the Governor; but he should be happy to show it to the hon. Member.

PARLIAMENTARY PAPERS IN FOREIGN LANGUAGES.—QUESTION.

MR. PEEK said, he wished to ask the Under Secretary of State for Foreign Affairs, For what reason the old practice of giving translations of all Parliamentary Papers in foreign languages has been discontinued; and, whether he does not think it desirable that all Papers connected with recent occurrences in Greece should be also circulated in English?

MR. OTWAY said, that all documents in foreign languages when published by the Foreign Office were, as a general rule, translated into English, and there was no desire to depart from that ancient practice. But with regard to certain recent Papers, taking into account the interest which the House and the country felt in the transactions to which they referred, the Foreign Office felt desirous to communicate them with the least possible delay. On many occasions, therefore, they had delivered those Papers to Members within 20 hours of the time when they had been received at the Foreign Office. Besides, the clerks in the Foreign Office would not have been numerous enough to translate all these Papers and accomplish the other work they had to do. It had, therefore, happened that two or three Papers were published in French. With that exception, all other Papers had been, and would continue to be, translated into English.

THE POST OFFICE AND THE NAVY. QUESTION.

LORD HENRY SCOTT said, he would beg to ask the Postmaster General, Whether he has made any representation to the Lords Commissioners of the Admiralty with regard to the privilege hitherto accorded to the Officers of Her Majesty's Navy while serving on Foreign Stations, which enabled them both to receive Letters from and to send Letters to their relatives and friends at a reduced rate of postage, which privilege has lately been withdrawn; and, if any representation has been so made, if he would state the grounds upon which it was made?

THE MARQUESS OF HARTINGTON replied, that there had been no communication between his Department and the Admiralty on this subject. The change referred to was made in consequence of a decision of the Treasury. If the noble Lord desired further information on the subject, he should be happy to afford it.

CAB REGULATIONS.—QUESTION.

Mr. MONTAGUE GUEST said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of Her Majesty's Government to make any alteration in the existing Cab Regulations?

Mr. BRUCE said, in reply, that the improved condition of cabs was not so much a matter of cab regulation as of inspection by the police. He had no immediate intention of altering the cab regulations; but it was proposed, before the close of the Session, to bring in a Bill to consolidate the seven or eight existing Acts as to cabs, and the House would then have an opportunity of making any change in the regulations which it might deem proper. All, or nearly all, the regulations objected to were regulations which had been in force for the last 17 years, and which he believed had worked without any practical inconvenience to the public; and for the last three months he was not aware of any complaint having been made—he meant ever since the regulations had been really understood—or of there having been any difficulty in enforcing them before the police magistrates. One change it was proposed to make on the 1st of June—namely, that, instead of being presented for inspection as heretofore in January, the cabs should be presented for inspection on the 1st of June, and then it would be the duty of the Commissioners of Police to make a searching inquiry into the state of all the cabs, and reject those which were not deemed satisfactory. That, he hoped, would lead to a considerable improvement; and an opportunity would be taken, now that the cab charges per mile and per hour had been fixed, to see that they were properly exhibited outside the vehicles. Another change, recommended by his hon. Friend the Member for Windsor (Mr. Eykyn), would be made—namely, to enable the numbers of Hansom cabs, which could now be seen from one side only, to be seen as easily as the numbers attached to the back of four-wheeled cabs could be. With those exceptions, he proposed to make no alterations until the introduction of the general Bill on the subject.

Sir JOHN HAY said, he would beg to ask whether the inspection of cabs on the 1st of June would be made before or after the Derby?

LIGHTHOUSE DUES.—QUESTION.

Mr. STEVENSON said, he wished to ask the Vice President of the Board of Trade, Whether it is intended to give to Sailing Ships as well as Steamers the benefit of the proposed reductions of Lighthouse Dues; and what opportunities the owners of Sailing Ships will have of representing their claims in the matter before the Order in Council is made to give effect to the proposed reduction?

Mr. SHAW LEFEVRE, in reply, said, the reductions would apply to sailing vessels as well as to steamers. The Order in Council would be completed in the course of a few days, and a copy of it would be laid on the Table of the House.

IRISH LAND BILL—[Bill 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

COMMITTEE. [*Progress 12th May.*]

Bill *considered* in Committee.

(In the Committee.)

Part III. *Advances by and Powers of Board.*

Clause 39 (Advances to landlords for compensation for improvements).

Amendment proposed, in page 20, line 34, before "board" to insert "Commissioners of Public Works in Ireland, in this Act referred to as the."—(*Mr. Dowse.*)

Mr. SCLATER-BOOTH said, he wished to ask whether the Government had formed any estimate of the sum that would be required to be placed at the disposal of the Board of Works in Ireland for the purposes contemplated by the Bill? The right hon. Gentleman opposite had referred to a sum of £1,000,000 as a preliminary amount only.

Mr. GLADSTONE said, they must reserve to Parliament the ultimate decision of the question—in case they found a disposition in Ireland to act very extensively on those provisions—how far it would be wise to go in that direction. On the other hand, they did not wish to convey to the people of Ireland that £1,000,000 was the only sum that would be disposable for those objects. There was so much which was experimental in those provisions that it would be desirable at first to provide a moderate sum to meet any early demand that might arise, after which the matter could again be brought before Parliament with improved means of forming a judgment upon it. The Board of Works in Ireland was subordinate to the Treasury, whose duty it would be to see that no engagement was entered into by the Board of Works on its own responsibility, apart from the sanction of the higher Department of the Government.

Amendment *agreed to.*

Mr. SYNAN said, he would propose to leave out £6 10*s*., and insert £5 as the annual rate of payment in respect of the proposed advances, increasing the time of payment from 22 to 35 years as in other cases of advances of public money in Ireland under 29 & 30 *Vict.* c. 40, p. 6. He, therefore, moved in page 20, lines 39 and 40, to leave out "six pounds ten shillings" and insert "five pounds."

Mr. GLADSTONE said, it had been suggested that there should be different rates under different clauses of this Bill; but it should be borne in mind that they had already provided in one clause for a rate of £7 1*s*. 8*d*., and in another for a rate of £6 10*s*. The most important class of advances were those which were to be made to the tenants, for as to the landlords, who were of course capitalists, it was comparatively unimportant whether the advances were repayable in 22 or 35 years; but it was exceedingly important in the case of tenants. What he proposed was, that they should for the present leave the figures as they were in the clause, until upon Clause 41 they had ascertained the opinion of the Committee in reference to the tenant question, whether it was desirable that the advances should be repaid in 22 years or 35 years. They could then also ascertain the general feeling as to advances to landlords, in reference to whom the Government would be sorry to act harshly or illiberally.

Amendment, by leave, *withdrawn.*

Clause, as amended, *agreed to*, and *ordered* to stand part of the Bill.

Clause 40 (Advances to landlords for improvement of waste lands).

Sir FREDERICK W. HEYGATE said, he would propose an Amendment, to the effect that advances might be made to landlords and tenants jointly, or to tenants, with the written consent of the landlord, for the erection of new or the improvement of existing farm houses, buildings, and out-offices, and for the efficient drainage of the land, the sum not to exceed £200 for every £30 of annual value. There were no doubt already powers to make such advances to landlords for these purposes, but they were very much hampered by regulations which had been made by the Board of Works, so that since 1847 the number of applications under the existing Act were only 5,523.

Mr. CHICHESTER FORTESCUE said, he must object to the Amendment not upon its merits, but upon the ground that this was not the clause on which to propose such an Amendment, and that, moreover, it was undesirable to encumber the Bill with additional provisions, the Government having undertaken enough in the Bill as it stood.

Amendment, by leave, *withdrawn.*

Clause, as amended, *agreed to.*

Clause 41 (Advances to tenants for purchase of holdings).

Mr. CHICHESTER FORTESCUE said, he would beg to move in page 21, line 19, after "board" to insert "if they are satisfied with the security," so that the Board should have power to consider the value of the security offered.

Mr. CORRANCE: Sir, before this Amendment of the right hon. Gentleman is put, I must venture to remark that in these words—namely, that if the Government are satisfied with the security, they shall make the advance, lies the whole question. Ought they to be satisfied? And with what? To this, before this scheme gain the assent of this House, I must be permitted in some stage or other to express my most emphatic dissent. Up to this time, in the character, as the hon. Member for Waterford has called it of an enlightened agriculturist — and there is no character I would, if I could do so justly, more gladly accept — I have body in Ireland, from my own point of steadily advocated the interests of that view at least. But in the measure we now discuss, I fear I may find myself in opposition to Irish landlords, and, possibly, Irish tenants as well; and it must be as an Englishman, with no pretension to enlightenment, that I must review this case. To understand it a very little enlightenment will suffice. Through this clause we ascertain the promising scheme sketched out in the preceding clauses is to be carried out. To that entire scheme I must give my emphatic dissent, and for these reasons. How is this money to be raised? That is the first question which must occur to most of us. It must either be voted as an annual Estimate or advanced as a loan. Let us consider it in either case. In the first place it is the British taxpayer who must find the money directly. What right can any Government have to do this? What possible pretence can there be to take money out of my pocket to lend, however advantageously, to my neighbour? Cast aside political reasoning, violate common sense, but do not reverse public morality and common justice by such an act as this. If I am a trader, then you deprive me of money I employ to much better effect. If a professional man, you rob me without compensation, and if I am a landlord—English or Irish—you take from me the money to buy up my own estate. Well, but you will not do it that way. You can raise the money by loan, and there will then be no loss. Let us see this. Capitalists will advance you the money, say at 4 per cent. What would they charge the Irish tenant himself without the security of the State? Well, 10 or 20 per cent, no doubt. That represents their sense of the security, no doubt; high interest means risk. You back his bill, and that is exactly the difference of the risk you take. Is that a fair bargain for the British taxpayer or not? for it will fall on him at last. Is it a just measure of the risks? Well, I think it is, for I do not believe in the success of the speculation itself. The thing has often been tried, and never with success. It was tried in France after the Revolution; and I would beg hon. Gentlemen to read Von Sybel's account. It was tried in America, and what was the result? Let me refer hon. Gentlemen to Sir Charles Lyell's account of it in his first and second visit to America. Why, the proceeding was precisely analogous; and what took place? The borrower used every means, fair and foul, to cheat the State, and at last it was settled by force. The troops were called out, and it went under the name of the Albany War, and is so described in that book. The money was advanced in assignats, and proprietors created *en masse*. Twenty-five years after the proprietors were extinct, and there was famine through the exhausted land. In India something of the same sort was done with equal or less success. If the county is wealthy, it will revert to the old proprietors; if it is poor, it will be irretrievably ruined. And if this is its social and commercial, what will be its political effect? The landlord becomes the State practically to every intent. Every year they must collect what is practically their rent. What will occur in such a case? The first bad season there must be an arrear, of course. Can the Government enforce payment of this? and by what means will it evict and compensate, under the provisions of this Act, the tenant for disturbance and excessive rent? Through what Court or officer will it act? We lack information upon these points—information which it is in the power of Her Majesty's Government to give, if they wish. There is at least one who ought to be consulted upon this point—one who will, or may have, to find the money, perhaps — I mean the right hon. Gentleman the Chancellor of the Exchequer. We lack his opinion upon this; his present opinion I mean, of course. But if we are not to have the advantage of this, I will venture to supply it — not by my own opinion of what he would say, the Committee may be re-assured as to that—but out of his own mouth, only two years since, when he sat among the stinging nettles upon the barren Opposition Bench; and there were other like instances. I wish to ask the Chancellor of the Exchequer whether he will give his authority in support of this proposition, or whether he adheres to the opinion which he expressed in 1868? In that year, in a debate upon the state of Ireland, the right hon. Gentleman said—

> "But, then, at a moment when you are trying to reconcile the Irish people with the Government, you remove the landlord and place the British Government in his stead. Moreover, you take care that the new landlord shall be as odious as possible, because the State, which has become the landlord, is of necessity an absentee. The State is an abstract idea, and lives nowhere in particular—certainly not in Ireland. . . . . The State must, of necessity, be a hard, unyielding landlord, acting on fixed principles; for otherwise you open the door to every species of jobbery and corruption. Then, I suppose that sometimes the rent will not be paid. Indeed, it will very often not be paid. In bad seasons these 316,000 small holders will be pretty much on the hands of the State, and we shall have the hon. Member for Cork and other eloquent Irish Gentlemen entreating us to have mercy on a starving

people. That claim will not be made in vain, particularly if parties happen to be evenly balanced at the time. But, after all, if only for the look of the thing, you cannot always be giving up your rent. In that case, where you have a property, and a tenant who will not pay the rent, you must evict. Is that one of the means to make the State popular in Ireland? . . . . Will you trust Government agents with the power of saying to tenants just before an election—'By the bye, I quite overlooked that pigstye; it is a most elegant edifice, and adds very much to the beauty of the landscape, as well as to the value of your three-acre holding: please accept £10 as compensation for this improvement, and if it should be convenient to you to vote for Mr. So-and-so, perhaps you will oblige me by doing so.' How can you leave to the Government a discretion like this? The State must act upon certain inflexible rules, and, even if merciful and generous, it will still be ten times as odious as an individual landlord; but it must be hard or corrupt, and very probably will be both. . . . . You ought to have some mercy upon us, and give us some better security than you propose to give us. We shall be heavy losers in point of money, and we shall, besides, become odious to the Irish people. We shall undertake an enormously difficult job; and there will be another risk of loss. . . . . You are going to settle the rents on every portion of the land of Ireland. These rents are to be permanent, and, being chargeable on the whole holding, they cannot be apportioned in case of any subdivision of the land. Even the least sanguine of us must suppose that hereafter, in some portion of Ireland, there will be improvement. . . . . In concluding, I can only say that it is quite clear that the burning desire in the mind of these tenants of the Government would be to get rid of their landlord. Having first withdrawn all the Conservative influences in the country, you would, in the next place, give the strongest possible impulse to the desire for separation, because the tenant would think that by getting rid of his landlord—that is, the Imperial Government—he would get rid of his rent at the same time, and be thus enabled to live like a gentleman for the remainder of his life."—[3 *Hansard*, cxc. 1494.]

These were the opinions of the right hon. Gentleman in 1868. As it is probable that the right hon. Gentleman will be administering the taxation of the country for some years to come, it is the more important that the country should understand his precise opinions upon this delicate point. The right hon. Gentleman has, no doubt, renounced his former principles of political economy; but he certainly has not renounced, and cannot get rid of, his good, sterling, broad, common sense. Now, I believe I am right if I hold the opinion that if the right hon. Gentleman spoke at all he would still speak thus. And now, in conclusion, let me say that the consideration I have offered seem to me sufficiently conclusive of the nature of the clause we now discuss. To Irish landlords it may seem to offer a chance, perhaps the last chance they have, of getting a purchaser for a depreciated estate. To Irish tenants it may seem a fair opportunity for revenging themselves upon the Saxon by an attack upon his weakest point—a spoiling of the Egyptians before they go out. To the Irish patriot it may seem a slight return for the wrongs received by the credit and capital withdrawn from his country by England. But I have spoken as an Englishman in this case, and I believe not without due regard to the general interests at stake. As regards this scheme, I believe it to be vicious in principle, wrong in practice, and that it will be most mischievous in effect.

MR. WHALLEY said, he wished to point out the distinction between what they were about to do now, and what they had been doing. He entirely concurred with the hon. Member who had just sat down—there could be no doubt that this was peculiarly an English question. It was a compensation clause to the Irish landlords for that experiment carried out in regard to themselves and their relations with their tenants—the golden bridge built at the expense of the Imperial Exchequer, to enable them to escape from the position in which they were placed by the previous provisions of the Bill. Whilst the Chancellor of the Exchequer was considering his answer to the inquiry of the hon. Member for East Suffolk (Mr. Corrance) he (Mr. Whalley) would put this plain question to the right hon. Gentleman at the head of the Government. The Imperial Exchequer was called upon to be responsible for the purchase of any quantity of land in Ireland. He knew certain landowners who were prepared to avail themselves of this fund to the extent of £2,000,000. There was nothing that could justify such a course but the object held out to them by the First Minister of the Crown—namely, the pacification of Ireland. He asked whether, it would not be better at once, having regard to the principles of economy, to give this money absolutely; for it was ridiculous even to dream of getting it back, except at the cost of future contention or civil war. As one of the most humble, unconsidered Members of the House, desirous of protecting the English taxpayers, he put it to the right hon. Gentleman whether, after this sacrifice was made, either as a loan or gift, he could give them an adequate assurance that the pacification and contentment of Ireland would be attained? It was plain to the taxpayers of this country that they had no protection in this matter from anything like what was called an Opposition. The Opposition were, in this instance, at one with the Government. [*Cries of* "No, no!"] Well, he hoped not. But it appeared to him, whether that were so or not, that it was impossible they could hope to conciliate the discontented spirits in Ireland; because they were irretrievably and incurably the foes of England. So long as England maintained the principles of civil and religious liberty, there were forces at work to keep Ireland in direct, inveterate, and irreconcilable antagonism to Imperial interests. There was but one plan that ever succeeded, or that ever could succeed in regard to promoting the welfare and peace of Ireland. That was, what they saw in operation in Ulster—a state of things that commenced in the time of James I.—namely, the placing of large bulwarks in the shape of landowners against the encroachments of the broad mass of the people. He asked the first Minister of the Crown to state, in terms which would make him responsible for the opinion, on what ground he justified the proposal before the Committee.

Mr. GLADSTONE said, he was most willing to attempt, though he was not sanguine of the result, to satisfy the hon. Gentleman as to the policy and purpose of the clause when the proper time arrived for such explanation — namely, when the question arose that the clause should stand part of the Bill. That time, however, had not as yet arrived. They were now engaged in considering an Amendment moved by his right hon. Friend near him (the Chief Secretary for Ireland) which was simply a limitation of the clause. He would suggest that they had better dispose of the minor questions first, and then the proposition of the hon. Member would be a very fair subject for discussion.

Mr. GOLDNEY said, he thought it desirable that the words should stand part of the clause; but that the Board should be required to have the written opinion of a surveyor or engineer as to the value of an estate.

Mr. CHICHESTER FORTESCUE said, the Board of Works was both competent to inquire and difficult to satisfy; and to prescribe a particular mode in which it should perform its duties would only weaken the responsibility that was thrown upon it by the Bill.

Mr. GOLDNEY said, that by the existing law, 9 & 10 *Vict.*, s. 28, the Board was obliged to have a report.

Colonel FRENCH said, he could assert that all the loans which were made to counties in Ireland had been fully repaid with interest; and he would ask whether the Government, in bringing forward such a measure as the Land Bill, ought not to be prepared to take some of the burdens it entailed?

Amendment *agreed to.*

Amendment proposed, in page 21, line 20, after "Act" to insert the words "whenever the price of such holding shall not be less than four hundred pounds."—(*Mr. R. Torrens.*)

Mr. CHICHESTER FORTESCUE said, the Amendment was very far from meeting the only possible risk attendant on carrying out the plan before the Committee, and the Government thought it unadvisable to accept it.

Amendment, by leave, *withdrawn.*

Mr. CANDLISH said, he wished to suggest an Amendment to the words "three-fourths" in the clause. There was no doubt that this part of the Bill was highly exceptional in its principle; but that was the character of the whole Bill, and he believed that the mind of England was settled in the conviction that, without this part of the Bill, the previous part of the measure would be utterly useless. But would it not be in the interest, even of the tenantry of Ireland that the limit should be somewhat less than three-fourths of the purchase money? If the tenants of Ireland could be induced to increase their own investments, that increased interest in the soil would have a great effect in stimulating personal efforts. He feared that if the sum to be borrowed was as large as proposed, this weight of debt thus created might induce despondency and despair. Mischief to the tenantry and loss to the British taxpayer would be the result. He would ask the Government to consider between then and the bringing up of the Report, whether it would not be desirable to reduce this figure to two-thirds, or three-fifths, or even to one-half? If, under the pressure of a heavy load of debt, a feeling of despair became general amongst the tenantry, how, he asked, would the Government be able to realize their securities? It was clear to reason and common sense that the difficulties which beset the Government and made this legislation necessary would be greatly aggravated if they were obliged to resort to a general enforcement of the securities upon which those loans were advanced.

Mr. SCLATER-BOOTH said, he should propose to limit the advance to be made by the Irish Board of Works to one moiety of the price of the holding instead of three-fourths, as in the Bill. The Amendment would make the clause uniform with the previous clause. Besides, the term of 22 years, for which the annuity payable to the Government was to run, was a long one; and in case of a general fall of rents during the period, the security to the State for the repayment of the money would be small, as the tenants might then press for a reduction. Assuming an estate to be worth £1,000, and the rental at £50, the effect of the clause would be that the purchaser would have to pay the Government a sum of £48 15*s*. per annum for 22 years. And supposing, during the period, any calamity should befal Ireland, whereby the value of the produce of the land was reduced 5 or 10 or 15 per cent, there would, in fact, be no security for the repayment of the money borrowed. It would, in fact, absolutely abolish the security. He moved in page 21, line 20, after "exceeding" to leave out "three-fourths," and insert "one moiety."

Mr. PEASE said, he was inclined, on a first consideration, to oppose the clause, but on reflection he felt it was perfectly safe as it stood, if the valuation was made under the Landed Estates Court. The security was one which would be constantly increasing. He believed, however, that very few tenants would be ready to purchase.

Mr. W. H. GREGORY said, he hoped the Government would maintain the scale as it stood in the Bill, because to render the clause operative it must be made as easy as possible for the tenants, who were not overburdened with ready money. If the Amendment were adopted the tenants would be driven to borrow money at a high rate of interest with which to supplement the Government loan. The result of an experiment he had tried on a small portion of his own property was, that the tenants, after paying 25 per cent down, and agreeing to pay the remainder in five or six years, repaid the whole amount in three, if not two years afterwards. Such would be the case with a great number of tenants under the operation of the present clause. He ventured to say that the apprehensions expressed by the hon. Member (Mr. Sclater-Booth) that the Irish tenants would after a time ask for a reduction of the annuity due to the Government, or refuse to pay it, would be falsified by the result. If an evil time arose, as shadowed forth by the hon. Member, the tenants would be able to obtain assistance from their friends when it was known that they had purchased their farms. He did not think the provisions of the Bill would be so largely taken advantage of as the hon. Member for Peterborough (Mr. Whalley) supposed.

Sir HERVEY BRUCE said, he trusted that the Committee would not agree to the Amendment. In reference to this Bill, the Irish landlords had made but small complaint, wishing to see a measure passed to quiet the excited feelings of the Irish nation; and he regretted, on a clause proposed with a view of benefiting the Irish tenants by an advance of money from the Imperial Exchequer, that an Amendment was proposed by the hon. Member sitting below him (Mr. Sclater-Booth), limiting that benefit. The Irish tenants had a strong desire to purchase the land they held; but, if the Amendment were adopted, they would practically gain nothing, and would feel that the English people, after talking much and depriving the landlords of Ireland of much they enjoyed, were very niggard of their money, though there was a very small chance of their losing any of it. Public money advanced to the landlords of Ireland had been faithfully paid. The hon. Member for Peterborough (Mr. Whalley) when he spoke of a golden bridge being prepared for Irish landlords, showed that he knew little about Ireland or the landlords of Ireland.

Mr. J. HOWARD said, he did not agree with previous speakers in thinking that the provisions of the clause under discussion were necessary to the pacification of Ireland; the passion for the ownership of land in every country he was acquainted with arose out of insecurity of tenure; the previous portion of the Bill gave absolute security to the tenantry, and he therefore thought that the desire which now possessed the people of Ireland to become their own landlords would die out. He had hitherto invariably voted with the Government upon the Bill now before the Committee; he had done so because he believed that thus far the clauses were based upon sound principles; and it was because he thought that the present clause was based upon an unsound principle he had risen to object to it. The House had been repeatedly told by the party opposite that the Bill was a revolutionary one; from Members on his own side he had also, in the Lobbies and elsewhere, heard whisperings and murmurings about its revolutionary tendencies. ["Hear, hear!"] Hon. Members opposite cried "Hear, hear!" but he could assure them he did not share or concur in these views. He maintained that the Bill was no invasion of the just rights of property, and there was no reason to fall back, as his hon. Friend the Member for Sunderland (Mr. Candlish) had just done, upon the doctrine that an exceptional state of things justified the adoption of exceptional principles in legislation; the Bill thus far could be defended both upon the laws of political economy and the principles of wise legislation. In Ireland there were two classes—the one weak, the other strong—the latter, the landlord class, was strong out of all proportion to the other. A fundamental principle in the making of laws was the protection of the weak against the undue exercise of power on the part of the strong; therefore, if he understood the principles of the Bill, thus far it was founded upon that broad and well recognized principle of legislation. He would not, however, pursue this line further, inasmuch as, so far as that House was concerned, the principle was settled that the tenants were to be secured against any undue exercise of power upon the part of the landlords. The clause under discussion, however, was based upon an entirely different principle from the preceding part of the Bill. It introduced the principle that the State is justified in stepping in and interfering with the natural laws of the distribution of wealth.

[*Cheers.*] Hon. Members cheered, but he must tell them that he objected to the clause for totally different reasons to the hon. Members opposite; he attacked the clause upon the same ground he would the law of primogeniture or the *Code Napoléon.* ["Oh, oh!"] Hon. Gentlemen opposite did not appear to see the connection between the two subjects, but he maintained that both the one and the other infringed the natural law of the distribution of property; and he held it was no part of the province of Government to pass or maintain laws which had for their object either the consolidation of estates or their disintegration, and he warned the Committee that unless Parliament revoked the law of primogeniture a day of reckoning would come, and perhaps come sooner than hon. Members expected.

MR. MAGUIRE said, his hon. Friend who had last spoken (Mr. Howard) had made an important statement—important if true—but which, in his opinion, had been made on erroneous information—that on the passing of this Bill, one of its consequences would be that the passion for the acquisition of the possession of land would die out in Ireland. Now, he (Mr. Maguire) supported this Bill because he believed that it would inspire the Irish tenant with a sense of security, and enable him to prosecute his industry without fear or apprehension; but whatever the sense of security it inspired it would not counteract the passionate desire amongst the tenantry to obtain, if they possibly could, the ownership of the farms they tilled. The passion for the possession of land was one of the strongest that animated the human heart; and if there were any people in whom that passion was stronger than it was in another, the Irish were that people. No matter how good or how protective this or any other measure might be, it could not give that which purchase could alone give—the absolute ownership, independent of all control or responsibility. Now one of the great evils with which they had had to deal had been this—that vast masses of property had been sold in the Courts, and that the tenants on them—those not protected by lease—had been handed over from one class of proprietors to another, and thus placed in a condition of abject dependence. The evil had been that the hammer of the Judge had not fallen with sufficient weight and force, and had not smashed great masses of property into small fragments, so as to distribute the possession or ownership of land more largely and widely over the community. The present proposal in the Bill afforded one of the best remedies against a recurrence of this evil—the transfer of property in bulk to new men, who had no interest in the tenantry, who had no due sense of their responsibility, and who regarded the estate they had become possessed of was merely as a means of obtaining so much per cent on their outlay. But take a case in point—one known to the hon. Baronet the Member for Coleraine (Sir Hervey Bruce). A certain estate in Ulster was about to be sold, and the tenants were willing to purchase it—they were willing to avail themselves of the assistance of this Bill, and of those clauses in order to purchase it on fair terms. Would it not, he asked, be a sad thing if these tenants should be handed over to new proprietors, who would have no knowledge of and no interest in them? He was present when these tenants were represented at an interview with the Chief Secretary for Ireland, in reference to this matter—and, if he mistook not, the same deputation waited on the Prime Minister, with respect to their position and their desire to become proprietors by purchase. The larger tenants were quite willing to assist the smaller tenants to pay the necessary amount as a condition to Government assistance. Now as to the effect on the tenant of the hope of being one day the owner of his own land, his belief was, that the necessity for the payment of the annual instalment would not act on him with a depressing or desponding effect—quite the contrary. He believed that it would act as a stimulus to exertion, as an incentive to industry; for the payment of every year would bring him nearer to his grand object—that of becoming a proprietor in his native land. Every payment would increase his own security of the soil, and render the remainder the more easy. Besides, let it not be supposed that there were not many tenants who would not limit themselves to the annual instalments, but who, in many instances, would anticipate their payments, and so secure possession in the shortest possible time. Surely no opposition ought to come from the front Bench opposite to this proposal; for the Earl of Mayo, in his Bill, proposed to advance money to the tenant on very much less security than was required in these clauses; and the Government were only applying the same principle to another purpose, and walking in the footsteps of the late Government, but with a firmer and surer tread. Then, as to the British taxpayer, who was referred to with such solemnity in support of an idle apprehension, one would suppose that Government were asking the country to advance £200,000,000 — about half the value of the property of Ireland; whereas the amount required at present is £1,000,000; and with this £1,000,000, which was to be constantly revolving—now going out, and now coming in—much good would be done, and no real risk run. But surely the Parliament of the United Kingdom, who had lately called on the British taxpayer to pay £10,000,000 for the slaughter of a wretched nigger in Abyssinia, might call on the same British taxpayer to sanction the advance of £1,000,000 to Her Majesty's Irish subjects, on the best possible security.

Mr. O'REILLY said, he believed that an advance of three-fourths of the price of a holding would leave an abundant margin for security. There was an estate in the county with which he was connected about to be put up for sale; but the tenants were anxious it should not be done until after this Bill was passed, and, from inquiries he had made, he had every reason to believe that the tenants would be able to put down in their own money one-fourth of the value.

Sir FREDERICK W. HEYGATE said, he must deprecate, as inconvenient and annoying, constant references to particular individuals, and to the Marquess of Waterford and his tenants, in particular—which case was first mentioned in the House by the Prime Minister. Whatever might be thought of the principle upon which that estate was managed, there was no mistake as to the estimation the noble Marquess and his agent were held in, and a more straightforward and honourable tenantry did not exist. It by no means followed that because the title of an estate was in the Landed Estates Court the estate must be sold. He should object to introducing a clause into the Bill to meet the case of any particular estate. As to the tenantry in the North of Ireland, they were industrious and frugal, and if they undertook to repay an advance made by the Government he believed they would do so, and the country would lose nothing. If the Chancellor of the Exchequer was willing to make the plunge, and adopt this new principle—so different to the views he had expressed a few years ago—he (Sir Frederick Heygate) was compelled to follow him, in the hope that it would be for the best.

Mr. MAGUIRE, in explanation, said, he had not mentioned the name of the proprietor in question; but, as it had now been mentioned, he might say that he had heard the tenants describe Lord Waterford as one of the best of landlords.

Mr. M'CARTHY DOWNING said, he thought that any man who wanted to purchase ought to have in his pocket at least one-third of the purchase money, and he suggested that the limit of the advance by the State should be two-thirds, instead of three-fourths of the purchase money.

Colonel WILSON-PATTEN said, he concurred in this suggestion.

Mr. GLADSTONE said, that in mentioning the case of the Marquess of Waterford he had believed that the transaction was entirely public. A large deputation to Downing Street, including some tenants on the estate, had made no secret of the matter, and if he had erred in alluding to it it was in entire ignorance. As to the advances contemplated by the clause, he agreed that they ought not to go beyond the margin to which persons lending money on mortgage would ordinarily go, and, therefore, while resisting the reduction to one-half, he should be prepared to adopt the limit of two-thirds. With this change, however, he should think it right to combine one proposed by the hon. Member for Limerick (Mr. Synan), and make the term fixed for repayment 35 years, at the rate of £5 per cent per annum, instead of 22 years at £6 10*s*. That would make the position of the State a very secure one.

Sir HERVEY BRUCE said, he thought it should be optional on the part of the tenant to repay the advance within a shorter period than the extreme limit fixed in the Act.

Mr. GLADSTONE said, the tenant would, of course, have this power.

Amendment *withdrawn*.

Clause amended by making the limit of the advance two-thirds of the purchase money, and the annuity extend to 35 years at £5 per cent, instead of 22 years at £6 10*s*.

Mr. R. TORRENS said, he would remind the Committee of Lord Brougham's saying—that the possession of land in small parcels was a luxury that might be indulged in by a rich man, but was a ruinous extravagance to a man of small means. This was owing to our intricate, costly, and insecure method of conveyancing. From his own experience, derived from other countries, he ventured to say that, so far from conferring a boon on the tenant-farmers by making them owners in fee simple of their holdings, the properties thus acquired would very soon pass into the hands of the solicitors of Ireland. He begged, therefore, to move in line 32, after "holding," to insert "or withdraw the same from under the operation of the Record of Titles Act, Ireland."

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he must point out that the Record of Titles Act was merely permissive, and there was no sense in providing that an estate should not be withdrawn from under the operation of an Act under which it need not be put.

Amendment *negatived.*

Sir GEORGE JENKINSON said, he rose to move the rejection of the clause, as amended. He did so in the interest of the English and Scotch taxpayers. He believed the principle was bad, and if adopted it could not be limited to one part of Her Majesty's dominions, or one class of her subjects. The right hon. and gallant Member for Roscommon (Colonel French) had stated that the Irish people always paid the loans which were advanced to them, illustrating that argument by a reference to the loans which had been made to counties. The advancing money to counties was, however, a very different matter from lending it to Irish tenants—already struggling hard to pay their rent—for the purchase of small, miserable holdings. It was said by some persons that only £1,000,000 would be required under the clause; but it was impossible to know how much would be asked for in reality, and the right hon. Gentleman at the head of the Government had stated that, once the principle itself was sanctioned, there would be practically no limit to the amount of those loans. The fact was that the clause was a sop to the Irish landlords who wished to sell their estates, and if the system which it was intended to carry out were once established in the case of the Irish tenant, how could it with justice be refused to be extended to the English or Scotch tenant or the Rochdale operative who might wish to become a mill-owner? He, for one, was altogether opposed to advancing so large a proportion as 75 per cent to small holders, who might, having worked out their land and made it valueless, go off to America, leaving the Government to trust to the chapter of accidents for re-payment. He should, in support of the position which he had taken up, adduce the testimony of the right hon. Gentleman the President of the Board of Trade, who, in 1847, when in the plenitude of his glorious and brilliant powers, said he did not believe the Bill for regulating the relations of landlord and tenant, as recommended by the hon. Member for Limerick (Mr. Monsell), would restore prosperity to Ireland. The right hon. Gentleman added that, in his opinion, a proposal to vest the ownership of the land in the present small occupiers would never be accepted by Parliament, but if it were it would be fatal to the best interests of the country. Those words were strictly applicable to the present clause. An advance of two-thirds would so cripple tenants that it would be impossible for them to cultivate the soil properly. There was another argument which deserved consideration. In *The Times* of Friday last there was an account of another outrage in Ireland. It appeared that in 1863 the tenant of a farm of 70 acres became embarrassed and voluntarily surrendered the land to the owner, who forgave him all the arrears of rent, and in addition presented him with a sum of money to enable him to emigrate. All this kindness, however, was thrown away, for everybody who took the land was soon compelled to relinquish possession of it, and the agent, Mr. George Hornidge, was threatened with death if he did not let it to a particular man. Was it not to be feared, then, that if this clause passed tenants might combine to purchase land and compel the owners by terror to accept the terms they offered? For these reasons he hoped the Committee would reject the clause.

COLONEL CORBETT said, the principle of this clause was as much a question for Englishmen as for Irishmen, if not more so. No doubt the Irish Members were desirous to attract as much money as possible into their country; but this fact would not recommend the clause to the representatives of English and Scotch constituencies. He denied that the principle of granting loans to landlords was analogous to the present proposal; because, in the former case, the money was lent on undoubted security and devoted to the improvement of the land, a result which benefited the whole community, whereas the effect of this clause would be to increase the number of small holdings. Now, small holdings meant small produce, which was an injury to any country. He maintained that the proposal would be equally disastrous to the Government, the Irish landlords, the Irish tenants, and the taxpayers. As to the Government it would assume a most unsatisfactory position if it became a large landowner in Ireland; because the agency necessary for the due supervision of the lands would be very expensive, while in the event of another potato famine or visitation of cattle disease, the tenants would be unable to pay their annuities. The Government must then either take possession of the land or remit the money which was due, and hardly anyone could doubt that they would adopt the latter course and thus inflict a hardship on the taxpayers. If this is the case with the Government, how would it be with the landlords? He could hardly imagine a less enviable position than that of a landlord unwilling to sell, and whose tenants desired to purchase. There would be a Naboth's vineyard in every parish in the country. The idea of a peasant proprietary was a pleasant one. It led one to think of a neat snug cottage and a well-cultivated garden, sweet with roses and honeysuckles; but hon. Gentlemen ought to reflect that the reality might be a pauper landlord inhabiting a mud hovel without a window, and everything redolent of the pig. It was said that the annuity payable to the Government would prevent the splitting up of the lettings. But the annuity being paid, and the farm become his own, he would desire to sublet, and he would sublet and subdivide, and the evils to which Ireland had been subjected years ago would be repeated. He considered that the proposal was one to lend money on a bad security, and for a worse purpose, and earnestly trusted the Committee would reject the clause.

Mr. GLADSTONE said, the indications made during the last two hours had satisfied the Government that the general feeling of the Committee was in favour of the clause, not upon grounds of abstract preference, nor because they shut their eyes to the fact that the proposal was novel and peculiar, but because it was justifiable with reference to the objects contemplated by the present measure. The hon. Baronet who proposed to put a negative on the clause (Sir George Jenkinson) said he spoke in the interest of the British taxpayers. Now, he believed there was no Member of the House who had had the misfortune to place himself more in conflict with the representatives from Ireland respecting questions affecting the British taxpayer than he had himself, for on many occasions it had been his painful duty to refuse grants of public money to Ireland. But the measure now under consideration, if it were good for anything at all, was good for the interest of the British taxpayers, because it was designed to create security and confidence in Ireland in lieu of insecurity and want of confidence. If it attained that end it would not be necessary eight or ten years hence to expend £1,000,000 a year in Ireland for police and military. The hon. Baronet had a little confused them upon the subject of the security, because he had mixed up the two-thirds the Government proposed with the three-fourths they had abandoned, and made it impossible for the Committee to reconcile his figures. The hon. Baronet's doctrine was, that when the tenant had paid down one-third of the price of his land he would become perfectly indifferent about paying the rest and becoming absolute proprietor of his farm —that he would think of nothing but exhausting the land by bad farming, and then making his escape to America. He, on the contrary, had great confidence in the feeling of honour among Irishmen, and believed the Irish tenant would appreciate the sacredness and discharge the obligation of the contract he had entered into; for, however he might have been injured by bad laws and unfortunate circumstances, he had never lost the quality of gratitude. He (Mr. Gladstone) believed this clause would call the best sentiments into exercise. The hon. Baronet asked why the Government did not propose to extend the measure to England. The answer was —because the ambition to become a proprietor of the soil did not spring up in a country where the tenant felt himself perfectly secure—where the product of his industry was protected by well-understood contracts and entire confidence in the landlord. The tenant in England knew perfectly well that he had a much more lucrative return for his capital by using it as a tenant-farmer than a proprietor; and in England, instead of tenants becoming landlords, small proprietors sold their land and farmed on a larger scale as tenants. In Ireland, where that sense of security and general confidence did not exist, no such thing occurred; but the Government hoped that this Bill would prove to be a valuable instrument towards creating that confidence and security. With regard to the remedies in case of non-payment the Government had not only the remedy of eviction, but the power to attach the whole produce of the farm, and he did not suppose the Irish farmer would be desirous of remaining in holdings the whole produce of which would be taken in satisfaction of his obligation. His desire would be to discharge his obligation. The hon. Baronet had also prophesied an unbounded demand for advances. He (Mr. Gladstone) did not think there was likely to be such a demand. But if there were there was no reason why the supply should also be unbounded. The House would hold in in its hands the power of saying how far the experiment should be carried out, and the only thing now asked of Parliament was that the thing should be tried.

Mr. GATHORNE HARDY said, he concurred in the objection which the hon. Baronet (Sir George Jenkinson) had taken to this clause, but seeing the state of the House, he agreed with the First Lord of the Treasury that it was of little use to divide; for, although the sense of the Committee might not be with the Government, the votes would. He regretted the Government had not formed this clause and those connected with it into a separate Bill. But he took exception to this clause mainly on the ground that it was the first instance in the history of the country—and he hoped it would be the last—that the Government had taken upon itself to ask for money to assist tenants to become proprietors of land. He knew of no right by which which any person could ask the Government to change his position at the expense of the country. No person had a right to say—"My position is not convenient to me; I am pressed and in difficulties, and I want you to put me in a position of independence." Nor did he know upon what principle the State could do this. The duty of the State was to give to every man free scope for changing and advancing his position; but not itself to alter that position, or to consider whether any person was tenant or landlord, rich or poor. The first part of the Bill was designed to ensure for the tenant the security he wished for, but it was a different thing to turn tenants into landlords at the expense of the State. That was a proceeding entirely objectionable. Besides, were they so sure that, in taking upon themselves to decide what the future of a man should be as regards his social position, that they were consulting his happiness and really benefiting him? His reading led him to an entirely different conclusion. The passion for proprietorship of the soil extended itself from father to son, and would, under this system, extend still further; it would not be allayed by gratifying the present head of the family. The sons would ask to participate in the possessions of the father; the land would be divided among them; and so the passion would be fostered, simply by paying deference to feeling, instead of listening only to the dictates of reason. It was not wise to endorse by the sanction of Parliament the principle that the ownership of land was a better thing than the occupation. He protested against the clause as Socialistic and Communistic, and the commencement of legislation which would create an evil at present without existence, and which posterity would regret when it found Ireland still unpacified, and the distress and agitation among her people increased.

MR. CHICHESTER FORTESCUE said, that the very strong opinion expressed by the right hon. Gentleman (Mr. Gathorne Hardy) was not shared in by the vast body of those in Ireland, on both sides of politics, who were best acquainted with the country. The right hon. Gentleman exaggerated the importance of this portion of the Bill by comparing it with what had gone before, and by assuming that the facilities it offered would be largely taken advantage of. Most of those best acquainted with Ireland, including many holding Conservative views, did not think those facilities would be very largely used; but they were of opinion that in a country like Ireland, divided so painfully and dangerously between the poor and the rich, and so devoid of the middle classes created in England and Scotland by commerce and manufactures, it was expedient and wise, in the interest of peace and order, to give special facilities to the tenants to convert themselves into owners of the land which they at present cultivated. The Government had never asserted the right of anyone to demand to be improved in position at the expense of the public. The fact was that Parliament, in the exercise of its discretion, had come to the conclusion that it would be for the interest of the country that opportunities should be afforded to tenants to become possessors of holdings. These facilities, however, would not be afforded at the expense of the taxpayer, because the most ample security was taken by the Government. In the first place, the Bill ensured that the experiment should be only an experiment, and that Parliament should have full opportunity of judging of the working of the scheme before granting permission to extend it. The operation of the clause, as it now stood, upon the Irish occupier would, in the first place, be to require him to pay down a third of the whole purchase money; and he could not therefore be, as the hon. Baronet (Sir George Jenkinson) feared he would be, a poor, struggling, needy man. On the contrary, he must be an industrious and enterprizing man; one in whom the Board of Works could place confidence. Then, again, as to repayment of the advances, he would have to pay annually 5 per cent upon the reduced purchase-money. That annual instalment would in many cases, he believed, be less than the money now paid in the form of rent; and if by any chance the purchaser should find that he had fallen into bad circumstances, and was unable to meet his engagements, there would, over and above the remedies provided in this Bill, be no difficulty in finding a solvent man who would be happy to stand in his shoes, and whom the Board of Works could approve as his successor. He believed, therefore, that the scheme would not result in any injury either to the Treasury or to the taxpayer. As to the objection raised by the right hon. Gentleman the Member for the University of Oxford (Mr. Gathorne Hardy) that by the course taken they had acted unfairly towards Parliament, he would remind the right hon. Gentleman that if the House of Lords thought these provisions ought to have been embodied in a separate Bill, they could, though he hoped they would not, pursue that course, and strike out these clauses from the Bill.

Colonel WILSON-PATTEN said, he objected strongly to this clause, for the reasons expressed by his right hon. Friend near him (Mr. Gathorne Hardy). If he felt sure that this was but an experiment he would support the Government, as he was willing to do much in the way of concession for the purpose of pacifying Ireland; but, as he believed the result of the present proposal would be to increase and not to allay discontent in that country, he should vote with the hon. Baronet if a Division were taken, although it would be better not to press the Amendment.

Mr. POLLARD-URQUHART said, he would remind the Committee that what was now entitled an experiment had, through the instrumentality of the Credit Foncier, and similar companies, been tried in France and Prussia, and with the happiest results. He did not think there was any ground for apprehending that the subdivision of land in Ireland would ever be carried to anything like the extent to which it was carried previous to the potato failure.

Lord ELCHO said, he would recommend his hon. Friend who had proposed this Amendment not to divide, because it would, he thought, be a useless ceremony as far as practical result went. Individually, moreover, he could not support him, because on the second reading of this Bill he had certainly, with reference to this part of the Bill, stated that he did not think it so objectionable, because in other cases the State had been in the habit of lending money to landlords to drain their estates. There was, however, so much force in the objections urged by his right hon. Friend the Member for the University of Oxford (Mr. Gathorne Hardy), that he was anxious to hear what the Chancellor of the Exchequer, who in 1868 had denounced the folly and impolicy of the State placing itself in the position of an Irish landlord, had to say in support of the clause. If the Government found a tenant did not pay and ejected him, what would be the result? No one would dare to take the land, and it would be left tenantless upon the hands of the Government. Having granted this privilege, moreover, to Ireland, he could not see how a similar demand in the case of England and Scotland could be refused.

Mr. WREN-HOSKYNS said, that if hon. Gentlemen would study the two Blue Books which had been issued about the conditions on which land was held in different parts of Europe, they would find that the ownership of land in small quantities was one of the most conservative, valuable, and pacifying elements, which it was possible to introduce into a State. He was disposed to think that when all the rest of the Bill was forgotten in Ireland this part of it would be remembered with a feeling of gratitude to those who had proposed it. He looked with apprehension at the enormous aggregation of land in this country, and the prejudice which existed against small proprietors, and he should, therefore, heartily support the Government in a Division.

Colonel BARTTELOT said, he would ask the hon. Member for Hereford (Mr. Wren-Hoskyns) whether the system of small proprietors which he lauded so highly had proved successful in France? On the contrary, it was well known that the properties in that country were mortgaged to the chimney-tops. He believed that the same result would be produced in Ireland under the operation of this clause. Tenants, anxious to get hold of their land, would borrow from their neighbours or friends the money with which to pay the first instalment, and they would thus set out in their career clogged by a debt that they would never be able to pay off. This provision would not prove a blessing, but a curse to Ireland, and he should, therefore, support the Amendment. The Chief Secretary for Ireland had endeavoured to show that the money to be paid in interest would not be equal to the rent which was now paid. That might or might not be the case, though his own impression was different from that of the right hon. Gentleman. But who was going to pay the county cess, the tithes of the newly-purchased estate, the poor rates, and other charges? Who would pay for looking into the title of the landlord? He entirely agreed with the noble Lord (Lord Elcho), who had said if this was to be done for Ireland, it could not, and ought not to be refused to England and Scotland; indeed, all the arguments in the case of the former country might be used with much greater force in regard to the latter. For his own part, when order and security prevailed once more in Ireland, when the Government found it possible to withdraw their troops and to diminish the police, he should be more disposed than he was now to give his assent to this experiment being tried.

MR. TIPPING said, he would ask whether the effect of the proposed advances for the acquisition of land in Ireland would not be to multiply the number of families upon the soil in that country? The diminutions that took place in the families of peasant proprietors was a point well worthy of consideration when it was proposed to pass a clause of this nature. In France it had been found that within the last 20 years the average number of children constituting the family of the peasant proprietor had decreased by one-half. The prosperity of the country under this system was essentially attributable to that fact, and the same result was observable, more or less, in Belgium and Germany. It was true that in the more favoured regions of France—of garden soil and in the wine districts—subdivision worked successfully. In the region near Blois he had found that as much as £130,000 or £140,000 had been placed in the bank by the small proprietors. But it was a failure in districts where the soil and climate more nearly resembled our own; the condition of the peasant proprietors in those regions being decidedly inferior to that of our agricultural population, while the births of children had dwindled so much that it was seriously recommended that premiums should be offered to those who could show the largest families.

MR. J. HOWARD said, his objection to the clause was grounded on the plain and intelligible principle that it was not the duty of the State to interfere in the consolidation of large estates or in their disintegration. The result of his observation—which was not founded upon Blue Books—of the subdivision of land in foreign countries led him to a very different conclusion to that of his hon. Friend (Mr. Wren-Hoskyns).

MR. G. B. GREGORY said, he thought the practical effect of the clause would be to make a free gift of a very large sum of money to the landlords of Ireland; for he considered it certain that the tenants would, in the great majority of cases, never be able to complete the payment for their land.

MR. SINCLAIR AYTOUN said, he should vote with the hon. Baronet (Sir George Jenkinson) if he pressed his Amendment to a Division. A sense of duty to his constituents would compel him to oppose this waste of the public money. The First Minister of the Crown had argued that what made the people of Ireland desire to purchase land was the want of a sufficient security of tenure. But what was the use of this Bill, or of the 3rd clause of it, if not to give security of tenure? If the Bill became law, tenants in Ireland would have a much greater security than the same class in England or Scotland.

MR. CORRANCE said, there were a hundred good reasons why they should not go to a Division, and one good reason why they should; and that was that they had not yet had a speech from the Chancellor of the Exchequer, though in the early part of the evening he (Mr. Corrance) had quoted the opinions expressed some time since by the right hon. Gentleman. They had been told by the First Minister of the Crown that this was avowedly an experiment, and that he relied upon its success for the pacification of Ireland. He (Mr. Corrance) had already given his reasons for doubting that it would be successful. They had been told that the House of Commons would possess the power of limiting the expenditure of the public money in the way proposed by the clause. But that power now existed, and how were they about to exercise it? The proper time to exercise the power was now that the power was before them. If the Government wanted £1,000,000 this year, what was there to prevent them from demanding £2,000,000 next year? By this experiment they were about to violate all the great principles by which a State should be governed.

Mr. WHALLEY said, he considered this clause held out a direct premium to conspiracy, murder, and outrage in Ireland. ["Order! order!"] The right hon. Gentleman at the head of the Government had not satisfactorily explained the grounds on which he based his expectation that this part of the Bill would produce contentment, happiness, and peace in Ireland. For his own part, he feared that the Irish mind would draw from this particular concession, as it had drawn from many previous ones, a fresh incentive to turbulence and crime.

Sir GEORGE JENKINSON said, he could not accede to the request that he would not divide, because the question before them was an important one of principle. He must divide the Committee, because he was answerable to his constituents, and because other English and Scotch Members would also have to answer to their constituents if they sanctioned the proposed appropriation of Imperial funds.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 114; Noes 27: Majority 87.

Clause *ordered* to stand part of the Bill.

Clauses 42 to 65, inclusive, *agreed to.*

Clause 66 (Special Definititions).

Mr. WREN-HOSKYNS said, he would propose, in line 38, after "tillages," to insert—

> "That is to say, acts of husbandry other than manuring done in the last year of the tenancy for the benefit of the succeeding occupier;"

After "manures," to insert—

> "That is to say, any farm manure or compost unused and left on the farm, or any lime, or bones, or marl used on the farm in the last four years of the occupancy, which shall be considered to be exhausted in equal proportion in each of such four years."

Mr. M'MAHON said, he hoped the Government would not adopt the Amendment.

Mr. CHICHESTER FORTESCUE said, he thought it very undesirable to limit the discretion of the Court in the interpretation of the words.

Amendment, by leave, *withdrawn.*

Mr. CORRANCE moved an Amendment defining manure to mean bones, lime, marl, and hay and straw left on the farm.

Mr. STAPLETON said, that the present system of agriculture might become exploded, and then the hon. Member's definition would have to be amended by another Act of Parliament.

Mr. CHICHESTER FORTESCUE said, that if a perfect definition could be devised it would be acceptable; but he thought perfection had not been attained in the hon. Member's Amendment.

Mr. M'LAGAN said, he noticed the omission of guano in the Amendment, and asked how it could be regarded as a perfect definition without.

Mr. CORRANCE said, he had purposely omitted guano.

Amendment *negatived.*

Clause, as amended, *agreed to*, and *ordered* to stand part of the Bill.

Clause 67 *agreed to.*

Clause 68 (Application of Act).

Sir JOHN GRAY said, he had put on the Paper an Amendment to the effect that the Act should apply to every tenant, of any class, to which its provisions are applicable, who was in occupation of a holding on the first day of the present Session. He did not intend to press that Amendment, but offered it as a suggestion to the Government.

Mr. CHICHESTER FORTESCUE said, he thought that, unless a very strong case could be made out for the Amendment, the Committee should not entertain it, as it would cause ill feeling.

Mr. M'CARTHY DOWNING said, that, in anticipation of this Act, notices were served last November, to expire on the 1st of May inst., and unless there was some provision in the Bill such tenants would be deprived of the benefit of the Act. To his own knowledge there were 200 such cases.

Mr. GLADSTONE said, that if there were any considerable number of such cases it would be necessary for the Government to consider the subject; but at present no facts of sufficient gravity had been made known to the Government to warrant them in dealing with it. The giving of a notice last November, in anticipation of the Bill, seemed to him to be a very wild and speculative action; but even if a tenant had quitted this month, the landlord did not intend to take the holding into his own possession; it must, therefore, pass to another tenant, who would come under the operation of the Bill. He therefore did not understand what benefit the landlord would derive, nor what could be his inducement to give the notice.

DR. BALL said, the Bill would operate on all subsisting tenancies, and he, therefore, thought that the Government were not called upon to take any particular action, or to make any such alteration as that which had been suggested. A notice could not have been given last November in anticipation of this Bill, because neither a landlord nor any other person in Ireland ever dreamt that the Government would introduce such a Bill as that now before the Committee. With respect, however, to the clause relating to the Judges who were to administer this Bill, he wished to suggest to the Government the propriety of considering, before the Report, whether, instead of leaving the additional amount of salary to be settled afterwards by the Lord Lieutenant, or the Treasury, or any other arbitrary tribunal, it could not be settled by the Bill. The Judges would thereby be placed in an independent position, and additional confidence would be felt by the public.

MR. GLADSTONE said, the Government had considered this question, in which there were two points involved; the first was as to the sort of addition that should be made to the salaries of the Judges; and the second was, from what source, and through what channel, should that increase be given—whether it should be from the Consolidated Fund, or be dependent on the annual Votes of the House. With regard to the Consolidated Fund, it was rather a question of dignity than of substance, because the charge in one case was not less secure than in the other; but there would be no objection on the part of the Government to the addition being drawn from that source. As to the amount, it was not possible for the Government to determine that at the present time, because it was not known whether the Judges would have much or little more business under the Bill. Some persons supposed that after the Bill passed Ireland would be a hive of litigation, while others were sanguine enough to believe that the knowledge of persons being well secured in their rights would go far to dispense with litigation altogether, while there were different circumstances which applied to various parts of the country, and cases arising under the Bill might be very rare or very serious in different provinces.

Clause *agreed to.*

MR. CHICHESTER FORTESCUE proposed to insert the following clause after Clause 1:—

(Legality of tenant custom other than Ulster custom.)

"If, in the case of any holding not situate within the Province of Ulster, it shall appear that an usage prevails which in all essential particulars corresponds with the Ulster tenant-right custom, it shall, in like manner, and subject to the like conditions, be deemed legal, and shall be enforced in manner provided by this Act.

"Where the landlord has purchased or shall hereafter purchase from the tenant the benefit of such usage as aforesaid to which his holding is subject, such holding shall thenceforth cease to be subject to such usage.

"A tenant of any holding subject to such usage as aforesaid, and who claims the benefit of the same, shall not be entitled to claim compensation under any other section of this Act; but a tenant of a holding not claiming the benefit of such usage shall not be barred from making a claim for compensation, with the consent of the Court, under any of the other sections of this Act, and where such last-mentioned claim has been made and allowed, such holding shall not be again subject to such usage as aforesaid."

Clause *brought up* and *read* a first and second time.

MR. SYNAN said, he would beg to move as an Amendment to the proposed clause, after "with," to insert "the usages, or any of them, existing in the Province of Ulster, and commonly known as." His object was to make the clause conformable with the 1st clause, and to narrow the issue to be brought before the Court.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he must object to the Amendment as unnecessary.

Amendment *negatived.*

Clause *agreed to.*

MR. CHICHESTER FORTESCUE said, he would beg to propose, after Clause 3 to insert the following clause:—

(Satisfaction from incoming tenants.)

"Where the tenant of any holding is disturbed by the act of the landlord he shall not be entitled to any compensation under section three of this Act when it appears to the Court that such tenant has been given permission by the landlord to obtain from an incoming tenant satisfaction in lieu of such compensation, on such terms as the Court may think just, having regard to all the circumstances of the case."

Notice was given of this clause about three weeks ago, and it was then considered to provide a fair alternative to be given to the landlord.

Mr. M'CARTHY DOWNING said, he thought the 3rd clause sufficient in itself without the addition of the proposed new clause, which he conceived was calculated to lead to litigation.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, that this clause was not absolutely necessary, but it was modelled on the provisions of other clauses, and the Court would have to determine whether the terms of the transaction were just.

Mr. O'REILLY said, he thought that the arrangement contemplated was one which did not require to be authorized by a clause in an Act of Parliament.

Mr. CHICHESTER FORTESCUE said, he agreed with the hon. Member that the clause was unnecessary, and that it was advisable the arrangement should be made out of Court. He had no desire to press the clause.

Clause *negatived.*

Mr. KAVANAGH said, that, in consequence of the course taken by the Chief Secretary for Ireland in withdrawing his clause, he would have to move as a new clause the Amendment of which he had given Notice, as an addition to that which was withdrawn. He begged to move the following clause to follow Clause 3:—

"Provided always, That in the event of any tenant holding from year to year, assigning his interest in his holding without the knowledge and consent of his landlord, the tenant coming into possession of such holding shall not be entitled to any compensation under Clause 3 of this Act, if evicted within one year from the date of the making of such assignment, or of his taking possession of such holding."

He thought this clause was required, because as the Bill now stood it would be quite competent for any tenant-at-will to assign over his holding to anyone he chose without even consulting his landlord. It was not easy at first to realize to the full the dangerous nature of such a principle. He would endeavour in a few words to explain it, leaving the rights of property out of the question for the present. By giving a tenant this power they struck a fatal blow at a landlord in his capacity of a preserver of the public peace and order, which he had always regarded, speaking as a landlord, as one of their most important duties. By Clause 3 they imposed a heavy fine upon a landlord if, for the purposes of peace and order, he disturbed a tenant for gross misconduct. That was bad enough; but without some such proviso as he proposed the landlord would for the future cease to have a voice in the selection of those who were to be his tenants. The very worst characters might be forced upon him, to get rid of whom he would have to incur all the penalties in Clause 3, although they might have been brought in upon his estate in direct opposition to his will. It was taking from the landlord a power which he never could use harshly, as its being used at all would depend upon the tenant's own wish; but which gave him a most salutary and essential influence in keeping objectionable persons off his property. Even if it were not unjust it would seem to be most unwise; but, regarding it by test of justice, it appeared to be one of the greatest blots in this measure, an unwarrantable violation of the rights of property, and perfectly indefensible on the plea of being requisite for the proper working of this Bill, unless the Bill contained some hidden principle which Her Majesty's Government had not had the candour to avow. As far as his knowledge of its nature and purpose went, he regarded it as having for its object the securing to a tenant the value of his improvements, and affording him protection against capricious eviction. They had already granted that. But he wanted to know upon what plea it could be urged that it was, he would not say right, but even expedient, to give a tenant power to dispose of what was not his to whom he liked. It was one thing to protect him in his existing interest; it was a widely different matter to give him the power to assign over to another—without the knowledge and consent of the real owner—those interests which only upon the plea of expediency were his so long as he was individually content to enjoy them. To give one man the power to give away or dispose of what belonged to another, not only without the knowledge, but contrary to the wishes of the rightful owner, was a doctrine which he could hardly believe it would be possible to have raised in that House. He did not think that the Committee could be fully alive to the extraordinary injustice of such a principle; indeed, he almost dared to hope that up to this Her Majesty's Government had failed to appreciate its full meaning, and that when they did they would hesitate to endorse it, fraught as it was with the grossest injustice and directly opposed to every axiom of political economy. In drawing the Amendment he had limited the time to one year, during which the man coming into the holding without the knowledge or consent of the landlord should be liable to be evicted without having a right to claim for disturbance; because, he thought, that, no matter how slily the arrangement might have been made, if the property was so carelessly managed that within that time the landlord or his agent had failed to discover the transfer of the tenancy, they deserved to suffer for it; if they had discovered it, and had taken no steps about it, it might fairly be assumed that they had consented to it. So that if a tenant, notwithstanding having surreptitiously got possession of a holding, remained in it for a period of over one year undisturbed, he would then be in exactly the same position as the other tenants on the property.

New Clause (Tenant assigning without consent of landlord not to be entitled to compensation,)—(*Mr. Kavanagh,*) —*brought up*, and read the first time.

MR. SYNAN said, this was really a proviso to be added to Clause 3, the object being to prevent a tenant from year to year from assigning his holding without the consent of the landlord, or, if he did so, to deprive him of the benefits conferred by the Bill. Such a provision would be inconsistent with the principles which had been announced from the Treasury Bench.

MR. M'CARTHY DOWNING said, the Amendment would repeal the existing law, which allowed every tenant from year to year to assign, his estate and interest being transmissible just like the largest estate.

MR. BOURKE said, it was true that this was an interest assignable by law; but the question was whether the assignee, who might in some cases be an extremely bad character, should be entitled to all the powers and benefits conferred by this Act.

MR. CHICHESTER FORTESCUE said, the existing law gave unlimited power to a tenant from year to year to assign, subject only to the counter-power on the part of the landlord to give the assignee immediate notice to quit. The Amendment was founded on the supposition that the landlord under the Bill would be unable to get rid of an objectionable assignee. But this question had been raised already in an earlier stage of the Bill, and was decided against the proposal now made. The Government believed that the Bill as it stood would not take away the landlord's power of preventing an improper assignment, as it would be, of course, the duty of the Court to consider under what circumstances an assignment had been made, and whether the assignee was or was not a good and solvent tenant. The probability was that the assignee was more solvent than the old tenant, because it was usually an embarrassed tenant who disposed of his holding to one better able to pay his way.

MR. NEWDEGATE said, he knew that in England a leasehold was a chattel interest; but he should like to know from the Solicitor General what was the law in Ireland on this point. It seemed to him that the tendency of the Bill was to give the tenant an estate out of that which was only a chattel.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE): The hon. Member says he knows the law of England on this point. The law of Ireland is the same.

MR. PIM said, he wished the Committee to well consider whether or not by the clause a new tenant would be entitled to all compensation the same as an old one. He proposed to meet that objection by a clause recognizing the right of the tenant, but providing the landlord should be entitled to pre-emption.

COLONEL STUART KNOX said, the Government had shown no reasonable objection to the Motion of his hon. Friend the Member for Carlow. The only valid argument which had been raised against it was that which had been urged by the hon. Member for Cork (Mr. M'Carthy Downing) who said that it would interfere with the existing law. The fact was, however, that the whole Bill interfered with the existing law, and would probably create anarchy in Ireland.

Mr. AGAR-ELLIS said, he did not attach much importance to the clause; but it would make it clear that the tenant had better not come in without the consent of the landlord.

Dr. BALL said, he should protest against the Amendment of the hon. Member for Carlow being held in suspense until the hon. Member for Dublin (Mr. Pim) had brought forward his clause, because he had not much confidence in its being moved, and when moved of its being pressed to a Division. He thought that the power proposed to be given to the tenant to bring in an assignee without the landlord's consent might not always operate to the benefit of the tenant himself. When a tenant sold his interest in his holding he did so generally under the pressure of difficulties; and if he were in that position, some artful neighbour of his, possessed of ready money, might take advantage of it, and give him but a very small sum for that which he wanted to part with, feeling secure against the landlord.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he would carry the argument of the right hon. and learned Member a little further, and point out that if a tenant who was a little embarrassed wished to go to a neighbouring town to set up in business, or to emigrate to America, and could dispose of his holding in a *boná fide* way to a *boná fide* purchaser, the clause of the hon. Member for Carlow (Mr. Kavanagh) would throw a great impediment in his way. Its effect, indeed, would be that the whole country would be covered with notices of ejectment, while all that the hon. Member really aimed at would substantially be provided for by the Bill as it stood. He hoped, therefore, the clause would be withdrawn.

Mr. KAVANAGH said, he had heard no argument to convince him that a person had a right to sell his property. He could not assent to the withdrawal of the clause; but it was, of course, in the power of the Committee to negative it.

Mr. W. H. GREGORY said, he looked upon it as of the utmost importance that a tenant of bad character should not be admitted as a tenant on a well-regulated estate; but he must confess he was not prepared to agree to so sweeping a clause as that now proposed. He was of opinion, however, that provision ought to be made to enable the landlord to bring forward his objections, in the event of an improper person being about to be introduced upon his property.

Colonel Stuart Knox

Sir ROUNDELL PALMER said, it would be in the recollection of the Committee that he had proposed an Amendment to the effect that compensation under Clause 3 should not be given when just and reasonable cause for eviction was shown. If some such words were introduced much ambiguity would, he thought, be removed. He understood the Government would consider whether that object could not be attained by the introduction of words into the Equities Clause, and he engaged, in the event of their not doing so, to propose the insertion of words for the purpose. He confessed he was not entirely satisfied that any of the words in the 14th clause would meet the particular point under discussion; for, as it appeared to him, the questions contemplated by that clause were those arising between the landlord and the immediate tenant making a claim, whereas, in the case supposed, the assignee would be the person who made the claim; and, certainly, he did not know that there would be anything unreasonable on the part of the latter in accepting an assignment which the outgoing tenant was, by law, capable of granting. At present, he merely threw out these suggestions for the consideration of the Government.

Motion made, and Question put, "That the Clause be read a second time."

The Committee *divided*:—Ayes 120; Noes 192: Majority 72.

Mr. BAGWELL said, that the Committee had agreed to throw over every principle of political economy; but he doubted whether the object in view would be attained by the measure as it stood. The people of Ireland wanted security of tenure; but the Bill insured them only a certainty of litigation, without satisfying anyone or preventing the continuance of crime. His remedy was to give the tenant the legal right to remain possessed of his holding as long as he was able to pay the value of the land to the landlord. He had made the same proposal 25 years ago, and it had been a good deal canvassed since; it was that every tenant should have a lease of 21 years, renewable for ever. [*Laughter.*] Hon. Members laughed, but half the land of Ireland was renewable for ever; and he could assure the Committee that if his clause was agreed, to it would put an end to all the Irish difficulties, and make the people of Ireland happy and contented. He would beg to move, in page 1, to leave out Clause 2, and insert the following clause:—

(Right to leases renewable for ever.)

"That every occupying agricultural tenant in Ireland from the passing of this Act shall have a right to a lease of twenty-one years, renewable for ever, with a new valuation for rent at the end of eighteen years, such valuation to be made if necessary by the tribunal hereafter provided, such lease to contain covenants against subdividing without mutual consent of landlord and tenant; tenant to have full permission to sell his interest to the best bidder; tenants' improvements in buildings not to be included in new valuation."

MR. CHICHESTER FORTESCUE said, he was surprised to hear the hon. Member condemn a Bill in unqualified terms which, up to the present time—and he said it with gratitude—the hon. Member had uniformly supported. He always thought the hon. Member took a landlord's view of the question; but his substitute for the Bill—for it was nothing less—was a very extreme and sweeping proposal, and though he had set it forth in a single clause, it was, in reality, the germ of many clauses. The hon. Member proposed that the House should set aside all that it had done and give tenants leases for ever. This might be a great boon to the tenant, no doubt; but he doubted whether he was entitled to it. The proposed clause was more revolutionary, and did more to upset the relations of landlord and tenant than anything which the Committee had sanctioned, or any hon. Member had proposed.

DR. BALL said, that the character of the proposal had been accurately described by the right hon. Gentleman the Chief Secretary for Ireland; but he would suggest that, whatever its fate might be in the House, there were two or three Gentlemen sitting near the hon. Member (Mr. Bagwell) whose own estates would afford an ample area for the experiment to be tried upon. If that were done, and the result were a complete success, no doubt it would have great influence on the decision of the House when the subject was next brought under consideration.

Clause *negatived.*

MR. M'MAHON said, he would beg to move, after Clause 4, to insert the following clause:—(Repeal of s. 31 of the Landlord and Tenant Act). "Section 31 of the Landlord and Tenant Law Amendment (Ireland) Act, 1860, is hereby repealed." By that section tenants in Ireland were prohibited from cutting down, lopping, or topping any trees growing on the land they occupied, unless they had the special authority of the landlord for doing so. The prohibition extended even to trees that they had themselves planted, unless they had taken the precaution to register them. He only desired, by the repeal of this section, to assimilate the law of Ireland in this respect to that which prevailed in England.

MR. M'CARTHY DOWNING said, the Act sought to be repealed had an exceedingly vexatious operation.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, that the Government could not consent to the proposal. It might well be that the provisions of the Act in question, and the 31st section in particular, required revision; but the subject had no affinity with the objects of the Land Bill, and could not be conveniently dealt with under it.

DR. BALL said, he agreed with the hon. and learned Gentleman that a clause in reference to the Trees and Timber Acts of Ireland could not be conveniently introduced into the Bill; but he was of opinion that these Acts required revision, and he hoped the Chief Secretary for Ireland would soon be able to turn his attention to the subject.

Clause, by leave, *withdrawn.*

MR. PIM moved, after Clause 5, to insert a new clause (Right of a tenant to dispose of interest in his holding).

Clause *negatived.*

MR. MORRISON said, that as the new clauses of which he had given Notice related to the same subject as those of the hon. Member for Kilkenny (Sir John Gray), it might be convenient that the discussion on both should be taken at the same time.

House *resumed.*

Committee report Progress; to sit again upon *Thursday.*

ARMY ENLISTMENT BILL—[Bill 106.]

(*Mr. Secretary Cardwell, Captain Vivian.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Cardwell.*)

Colonel BARTTELOT said, he had no desire to oppose the measure; but there was something so novel in its provisions that he thought it ought not to be read a second time without some discussion. The main provision of the Bill was to reduce the term of enlistment to 12 years, with a power, if the authorities should think it desirable, to make it three years of actual service. But three years would be too short a time to make an efficient soldier. No doubt a vast number of good recruits might be got under the Bill; but when a young man had only spent three years in the Army, and then retired into private life, the few days that he might afterwards be called out for practice would not be enough to keep him in proper training. A young man, after serving his three years, would probably marry; and, having gone into some business, he would consider it the greatest nuisance to be called on afterwards for any long service. In his opinion, six years would have been a far better period to fix upon. He did not know whether his right hon. Friend intended to abolish pensions, but the Bill went a long way in that direction. He presumed that no bounty would be given; but the question was whether, if they did away with bounties, they would be able, on a pinch, to get as many men as might be required. The Bill was one that needed serious consideration and amendment in Committee.

Sir HARRY VERNEY said, he had long believed that a short term of service for a portion of the Army, such as that now proposed, furnished the best hope of drawing superior men into the Army, and of getting rid of many of the evils of which they complained at present. Of course, during the short service, men would not be allowed to marry; and in that way they would be relieved of the great inconvenience and expense of transporting soldiers' wives from place to place. He hoped his right hon. Friend would consent not to enrol the men in the Reserve after their short service unless upon the recommendation of the commanding officer of the corps in which they had served. It ought to be considered as the greatest favour to be allowed to go into the Reserve. If only well-conducted men, and those who had shown some aptitude and taste for military duties, were permitted to enter it, in a few years they would have the most powerful Reserve of any country in Europe. Many a respectable young man, who would not think of enlisting for life or for a long period, would willingly enter the Army for three or four years, and his family would be glad that he should. As to the abolition of bounties, he thought that, instead of abolishing bounties altogether, it would be a good plan to accumulate them in the savings bank, so that the soldier might get the full benefit of them when he left his regiment.

Major DICKSON said, he believed the present Secretary of State for War was very anxious to promote the efficiency of the Service; but thought his good intentions had as yet been attended by rather barren and unsatisfactory results. Last year the right hon. Gentleman promised them many military reforms, laying especial stress on two things—first, that the War Office was to be reformed; and, next, that they were to have an Army of Reserve. It now turned out that the War Office was to be reformed by placing two new and highly paid officials on the Treasury Bench, unacquainted with the duties they would have to discharge; and, just when they had acquired some knowledge of those duties, they would probably have to give way to two other officials more ignorant than themselves. Thus the public service would suffer; but the Government of the day would have two obsequious followers. Now, they had a Bill before them by which it was proposed to give them an Army of Reserve in the course of three years. He objected to the Bill because it might not succeed in its object, and England might for the next three years be in a helpless position. He objected to it, first, because he did not think it would give them the Army of Reserve they expected; and next, because, even if it did give them that Army of Reserve, it would do so at the expense of destroying the Infantry of the Line. He did not think there was sufficient ground for anticipating that any great number of the recruits joining the Army would be anxious to be discharged at the end of three years, in order to enter into civil employments; and, moreover, if they filled their regiments of the Line simply with men of three years' service, they would find they had made a great mistake when they got into a field of battle. It should be remembered that the high reputation possessed by our infantry of the Line, which had been extolled by Napoleon as the most magnificent in the world, had been gained by old soldiers, who had been accustomed to discipline and had learnt habits of obedience; and the experience of the Crimean and Indian campaigns showed that it would be unwise to place our reliance upon recruits. For those reasons he regarded that Bill as unsatisfactory. The only true basis for an Army of Reserve was the Militia. He would propose that every regiment of the line should have a Militia regiment attached to it which would wear the same clothing and bear the same title, and from which it should draw its reserves in case of need. When the regiment of the Line was sent upon active service, the Militia regiment attached should at once be embodied and become its depôt. The Volunteers were recognized by the State, and to them might be left the defence of our shores in case of attack. The Secretary of State ought boldly to face the question of reorganizing the Militia and making it an Army of Reserve. He hoped the right hon. Gentleman would reconsider that measure, and remember that a soldier could not become acquainted with his duties and acquire thorough habits of discipline and obedience in the short space of three years.

LORD ELCHO said, he did not think it desirable at that hour to enter into the large question of an Army of Reserve—a subject which he had given notice of his intention to bring forward on going into Supply on Army Estimates. In his opinion, the Government would not be justified in reducing the regular Army before having some sufficient reliable Reserve, which he did not think that Bill, or any other plan before the Government, would give them. He did not, however, think they were wrong in bringing in that Bill, which would empower the Government to enlist men for 12 years, and at their discretion allow them to retire at any period after three, five, six, or seven years' service, with a liability at any moment to be called into active service. He supposed they would take care not to have too great a number of three years' men only in the ranks at any time. The right hon. Gentleman limited the number of the Reserve to 60,000; but it would be better to take power for indefinitely increasing the number.

MAJOR GENERAL SIR PERCY HERBERT said, he should like to learn from the Secretary of State for War, whether it was intended that soldiers enlisting for 12 years, on completing that period should or should not have the right to re-engagement. His own opinion had always been that allowing soldiers who had served 12 years to re-enlist, and serve for say other four, and then claim a pension, was a most expensive way of maintaining the Army. He trusted the Secretary of State would not give his sanction to any such course. The option was to be given to the Secretary of State of either enlisting men for 12 years certain, or of placing them at any time during that period in the Reserve. He thought there would be no objection, if there was no danger of war, in allowing a man before he had completed his full period of service to be put into the Army of Reserve, and his place to be filled up by a recruit. He hoped that power would be taken to give gratuities to short service men, when sent into the Reserve, of one or two months' pay, according to their term of service. This would send men away in a cheerful humour, and would have a good effect in inducing others to enter the Army.

COLONEL NORTH said, he had thought there was to be a retaining fee to those soldiers who entered the Reserve, and that the present rate of pension was to be continued to the men who served for 21 years; but this was not mentioned in the Bill. He would suggest that 34 was too young an age at which to fix the limit at which men might enter the first Reserve, because at that age men who entered the service at 18 were in their prime. He would further suggest that there should be some clearer explanation as to whether the two hours' drill was to be considered as commenced at the time the men marched out, or from the moment at which the actual drilling was begun.

Major WALKER said, he presumed that the Secretary of State for War had adopted in the 6th clause the system of general rather than regimental service, from a feeling that, when men who had entered the Reserve were required to resume active service, there might be a difficulty in sending them back to the regiments in which they had served; but to embody the Reserves for active service would be the exception, not the rule; and, as the regimental system had such great advantages, he thought it would be well to make the general service system the exception, and the enlistment for regimental service the rule. There was one thing that never had broken down in our Army, and that was the regimental system. It had induced fathers to bring their sons into the Army, and elder brothers to bring their younger brothers in to serve along with them. The traditional predilection for regiments had been most valuable in producing cohesion.

Lord GARLIES said, he hoped the Secretary of State for War would give some further explanation of the object of the Bill, which, so far as he could ascertain, seemed directed towards the establishment of a Reserve Force, without carrying out any system of shortening the period of service as indicated in the Preamble.

Mr. CARDWELL: Sir, I think the hon. and gallant Member for Dover (Major Dickson) was most unjust, though he did not mean to be so, in his criticism of the Bill. With regard to the reform of the War Office, the hon. and gallant Gentleman says the Bill provides for two large additions to salaries. Now, the Bill will not enlarge salaries. If the hon. and gallant Member objects to the proposal to have a Parliamentary representative of important offices, he objects to a principle which is the very mainspring of our Government—one without which there cannot be any Parliamentary control, and without which this House never can be sure that the public service is properly conducted. If the hon. and gallant Gentleman objects to short service he must be opposed to this Bill, one of the principal objects of which is to promote a shorter service; but I believe I may say that very many Gentlemen of great experience in Army matters are of opinion that a system of short service is at the root of Army reform. If a man be kept constantly in the Army from his youth to an advanced period of his life he must be deprived of many advantages which men of all classes are found to very much appreciate. The hon. and gallant Gentleman is of opinion that the old soldier is the soldier we should look to. I hope the day will never come when this country will lose confidence in the old soldier. We have no intention of driving him from the British Army. We regard him as the centre and the pivot of the service; but we wish to have the young soldier combined with him. The object of the Bill is to have a Reserve Force; not, as the hon. and gallant Gentleman proposed, trained in the Militia, but trained in the Army, by the Army, and for the Army, and constituting in the moment of emergency a Reserve upon which the Army may rely. The hon. and gallant Gentleman has referred to the Crimean War, and said the young soldiers in that campaign were less successful than the old; but he might have referred to Waterloo, and found that in the Army which gained that great victory there was a large proportion of young soldiers. The objects of this Bill are to shorten the service in the Army for the benefit of the soldier, and to form a Reserve Force of men who, trained in the Army, will always be ready to aid the troops on active service. The hon. and gallant Gentleman is very doubtful as to whether we shall get the same class of men as have hitherto served as old soldiers. But our object is to induce a new class to enter the Army. The hon. and gallant Gentleman says we shall not succeed. I am not saying whether we shall or shall not, because I am aware of the danger of prophesying in such matters; but I will say that this is an honest attempt to give young men an opportunity of entering the Army which was not offered to them before. We do not attempt to enlist them by bounty. I do not presume to say whether we shall succeed in inducing them to enter the Army without bounty; but the mischief of enlisting by bounty is so considerable, I think we are bound to do all in our power to put an end to it. We do not propose to deprive the soldier of the small advantage which the amount now given in bounty may be to him;

but we propose to give him that money in the shape of a reward for good conduct, believing, as we do, that it will be of greater benefit to him in that shape. The hon. and gallant Member opposite made several objections to the Bill; but I believe that his objections principally arise from the fact that he has not accurately understood the nature and provisions of the measure. It has been objected that three years is too short a period for enlistment; but that is the minimum and not the maximum period for the duration of the service. In cases where regiments have to go to India, that period will be extended to six years. No person having military experience, however, will maintain that a man cannot be made a good soldier in three years. The hon. and gallant Member opposite (Colonel North) has further objected that the recruit when enlisted would not understand the terms upon which he was to serve when he got into the Reserve Force. Those terms will, however, be specified on his attestation paper, and will be fully explained to him. When serving in the Reserve Force the soldier will receive 4*d.* a day, which will make his pay equal to that of the Royal Naval Reserve. I hope that by offering these advantages we shall succeed in inducing men to join the Army for a certain specified period, in which they will acquire habits of discipline and industry, with the view of retiring from it comparatively early in life, and of entering into various industrial pursuits, while they will always be available as a Reserve Force in case of need. The hon. and gallant Member has also objected that two hours' drill is not sufficient; but if the hon. and gallant Member will look at Clause 21 of the Bill, he will find that the clause intends to provide for the minimum of drill, in order not to interfere with the industrial occupations of the Reserve Force. If we were to require the regular and continual training from the Reserve Force which is required from the Militia, we should incapacitate the men from obtaining industrial employment, and thereby frustrate the object we have in view. Whereas, by only requiring for them the same amount of training as is undergone by the Pensioners and the Volunteers, we shall enable them to follow the various industrial pursuits in which they may be engaged. These are the objects of the Bill; I am glad that there is no objection to its second reading, and trust that we shall be able in Committee to answer or remove any objections that have been made to its provisions this evening. The noble Lord (Lord Elcho) has said that he will be prepared on a future occasion to deal with the whole question of Reserve, and to show that what we are doing is not satisfactory; all I can say is, that I shall be perfectly ready to meet him upon the subject, and to show him that our present force is quite as large as any that we have possessed in time of peace.

MR. F. STANLEY said, he wished to know whether it was to be understood, with respect to the 9th clause, that the soldier could claim the power of re-enlistment at the expiration of his term of service, or whether that was to be left entirely to the discretion of the Secretary of State?

MR. SCOURFIELD said, that the late Sir George Lewis had quoted a remark of the Duke of Wellington, to the effect that if he had had his Peninsular regiments at Waterloo the battle would not have lasted until 2 o'clock.

CAPTAIN VIVIAN said, that the soldier would have no right to claim to be re-enlisted at the expiration of his service; but unless he had a bad character he would be permitted to re-enlist, if he desired to do so.

Motion *agreed to.*

Bill read a second time, and committed for *To-morrow.*

STEAM BOILER EXPLOSIONS.

Select Committee *appointed,* "to inquire into the cause of Steam Boiler Explosions, and as to the best means of preventing them."—(*Mr. Hick.*)

And, on May 20, Committee *nominated* as follows:—Sir THOMAS BAZLEY, Mr. TIPPING, Mr. PLATT, Mr. JOSHUA FIELDEN, Captain BEAUMONT, Mr. BIRLEY, Mr. HENRY B. SHERIDAN, Mr. CAWLEY, Mr. LANCASTER, Colonel GRAY, Dr. LYON PLAYFAIR, Mr. STAVELEY HILL, Mr. M'CLURE, Mr. ARMITSTEAD, and Mr. HICK:—Power to send for persons, papers, and records; Five to be the quorum.

KENSINGTON ROAD IMPROVEMENT BILL.

On Motion of Mr. AYRTON, Bill to enable the Commissioners of Her Majesty's Works and Public Buildings to improve a part of Kensington Road, in the County of Middlesex, *ordered* to be brought in by Mr. AYRTON and Mr. STANSFELD.

Bill *presented,* and read the first time. [Bill 128.]

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, 17th May, 1870.

MINUTES.]—PUBLIC BILLS—*Second Reading—Referred to Select Committee*—Sequestration (81).

Third Reading—Oyster and Mussel Fisheries Supplemental (No. 2)* (82), and *passed.*

Withdrawn—Creditors Sequestrations * (91).

SEQUESTRATION BILL—(No. 81.)

(*The Lord Bishop of Winchester.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE BISHOP OF WINCHESTER: My Lords, in asking your Lordships to read this Bill a second time, I wish first to state why I think some measure on the subject is desirable. The existing state of the law is, in my opinion, exceedingly injurious to the Church in the highest sense of that word—that is, to the whole body of the people, with whose spiritual concerns the Church of England is charged. Benefices in the Church of England with cure of souls are provisions or endowments held by certain persons chargeable with important spiritual duties. The endowments are not their private property, but are a trust held upon the continued discharge of the duties for which the endowments are designed. They are not endowments for the clergyman, but for the parish; and it is contrary to the first principles of right that a temporary holder of them, if through his own carelessness he becomes unable to discharge the duties, should be able to divert the endowment from the parish, and thus prevent the possibility of another and worthier person being appointed to discharge them. That a clergyman should be able to incur debts, giving his creditors the security of the endowment, which is not his but the parishioners'—that he should have the power of making over to his creditors the income which is to support the clergyman, and leaving the parish—as is continually the case—uncared for, or with an income in the Bishop's hands wholly insufficient to provide for its spiritual wants, is so utterly wrong, on the very face of it, that it demands an immediate and stringent remedy. This is no fanciful or imaginary evil. Were it not invidious, I could point to small endowments all consumed in sequestration, the parishioners for whose sake they were created being defrauded of that which the endowments were intended to provide. I could point to benefices largely endowed—say with £2,000 a year—which have been for 30 years under sequestration, the sum which by the existing law the Bishop is able to take out of the sequestrators' hands for the supply of the population being only £200 a year, while the population in one instance numbers 20,000. This, £1,800, which those who cared for the parish had given as an endowment to the parishioners, is taken from them to pay the debts of the incumbent, while the parish is spiritually starved. Now, to remedy this evil, the Bill proposes that any clergyman who shall become bankrupt, and be unable to obtain a certificate from the Bankruptcy Court, shall, at the discretion of the Bishop or Archbishop, forfeit his benefice. This may appear too stringent; but I propose, as has been done in all Bills of this kind, to give discretionary power as to the time and mode of enforcing such deprivation to the Bishop, with an appeal to the Archbishop of the Province; for there may be cases of unforeseen misfortune, in which the incumbent ought to have time to recover himself. Such a discretion could not be vested more safely than in the Bishop or Archbishop, for they are high functionaries, who are at any moment liable to be called to account in this House for the use of that discretion. So far from its being an injury to the clergy thus to deprive them of the right which has grown up of pledging their endowments for debts, it is a positive advantage to them. The present state of the law is injurious to them in continually tempting them to live beyond their income, for it gives their creditors this false security for the payment of the debts they may allow them to incur. There can be no greater evil to any class than a legislative temptation to incur debts, and this especially applies to the clergy, who, taken altogether, are the worst paid of all the different professions in this country. Numbers of them have to maintain a position in their parishes, to support charities and schools, and, as we have a married clergy, their families also. Only, therefore, by the closest and most continued economy are they able barely to keep themselves out of debt. To men so circumstanced the temptation to obtain goods on credit under the idea that the creditors will be able out of their benefices to insure payment is a most cruel one to hold out. The result is, that if a man of this class once gets into a difficulty he never gets right; and I have been told by clergymen how deeply they regret that the law was not altered when they entered on the clerical life, that they might not have been subjected to this temptation, and might not have incurred debts which have embittered their whole lives. The remedy which I propose is no injustice or hardship. Beneficed clerks are by law restrained from charging their benefices with any payment or pension, and the abolition of sequestrations will therefore simply carry out the general principle of the law. It will, moreover, put the body of the clergy on the same footing with the rank to which I belong, for there is no power of sequestrating the income of a Bishop. I do not shut my eyes to the fact that the Bill may be open to difficulties and objections—for there are difficulties and objections in the way of every mode of dealing with this matter; but, after much thought upon it, I am quite convinced that the abolition of sequestrations and forfeiture of the benefice are the only remedy. The Bill is, no doubt, susceptible of amendment, and it does not stand alone, for another measure has been introduced in your Lordships' House with which the honoured name of a noble Earl (the Earl of Harrowby) is connected. If your Lordships think proper to refer my Bill to a Select Committee, I shall offer no objection; but I hope you will not send both Bills to a Committee, for they proceed on directly opposite principles. It is for your Lordships to determine the principle on which you mean to legislate, leaving a Select Committee to work out the details and remove objections. The other Bill, it seems to me, would actually increase the evil of sequestrations, and no one of its chief provisions would be workable. It provides, for instance, that a clergyman who shall not within a certain time pay his debts shall be deemed to have committed an act of bankruptcy. Now, that is more severe than anything in my Bill, for I propose to go through the intermediate stages of a debtor summons and petition in Bankruptcy—thus giving the clergyman and his friends an opportunity of meeting the emergency. It deals with existing as well as with future sequestrations. As to the former, which my Bill does not touch, it provides that the Bishop shall ascertain the whole amount of the debts of the sequestered clergyman, throwing on him the responsibility of finding the right amount — a task for which a Bishop has no qualifications, and one which ought not to be thrown on him. Then he is to apply to the Queen Anne's Bounty Office for a sum sufficient to pay off the whole amount, and the life of the incumbent is to be insured for the sum so borrowed, in order that it may be repaid at his death. Now, I am quite sure the Queen Anne's Bounty Office would not grant money on such a security, for many of these lives are not insurable at all in any office. The Bishop would first have to create an insurance company which would take the life. Suppose, moreover, the clergyman is guilty of some misconduct or of suicide, the insurance policy may be forfeited. Then, again, the 17th clause provides for the payment of arrears on the policy; whereas, if the payments are allowed to fall into arrear, the policy lapses. This is an illustration of the accuracy which pervades the Bill. It proposes, again, that the Bishop shall consider what claims are to be admitted and what rejected, what is the total amount, how the money is to be raised, and in what proportion and in what order the payments are to be made—in short, he is to be a kind of Bankruptcy Commissioner. These are matters quite alien to the education of a Bishop, and for which no Bishop would willingly become responsible, since he would have no hope of doing justice in the case. After all this cumbrous machinery, moreover, no benefit is secured to the parishioners, for the living is still liable to sequestration for the purpose of meeting the claims of creditors, insurance charges, and so on —so that we get back to the sequestration of the living after all. It proposes, too, that no living with a population of 1,000, and with an income not exceeding £500, shall be subject to sequestration. Now, in by far the largest number of sequestrations the livings are under £500, the population being frequently 1,000, and in these cases there will be no power of recovering anything from the indebted clergyman, who will continue to the end of his life in possession of his £500 a year. Parliament surely could not assent to such a provision—which is made, moreover, to apply to all livings of £300 a year and under, so that such clergymen would be able to incur any amount of debts and give their creditors no remedy. That would be most unfair to the creditors. It is proposed also that the Bishop, in the case of these sequestered livings, shall have power to appoint any number of curates he pleases, and to assign them what salaries he pleases; so that if there is a large population he might appoint five curates at £100 or £150 a year each, thus absorbing the whole income of the living, and rendering the sequestration nugatory. I will not go further into these remarks. I hope that if your Lordships determine to send my Bill to a Select Committee, you will not trouble it with the other Bill, which is exactly opposite to it in principle, and is encumbered with so many details that the Committee would find it difficult to dispose of the matter.

Moved, "That the Bill be now read 2ª."—(*The Lord Bishop of Winchester.*)

Lord CAIRNS: I am sure your Lordships will all agree in the eloquent description of the right rev. Prelate, of the great misfortune which befalls any parish where the incumbent falls into pecuniary difficulties, and where, above all, under the process of sequestration, its spiritual duties are very imperfectly performed. To see an evil, however, is one thing—to say what is the best remedy to be applied is another; and I wish to state, in a few words, the objections which I see to the right rev. Prelate's Bill. In the first place, its title is misleading. Its title is—"An Act to abolish Sequestrations for debt, and to provide a more effectual remedy for securing payment of the debts of Beneficed Clerks"—and the same object is expressed in the Preamble; yet the Bill, while abolishing sequestration altogether, not only makes no new provision for securing payment, but abolishes the only means by which, in nine cases out of 10, payment can be obtained. Whether that is right or not—whether it be right or wrong to say that benefices shall not for the future be held answerable for the payment of the incumbent's debts — I protest against such a Bill being introduced, which professes to do that which its provisions do not even attempt to do. The Bill professes to be a Bill providing a more effectual remedy for securing the payment of the debts of beneficed clerks. But what is the principle of the Bill? The principle of the measure is, that for the future a freehold benefice is to be absolutely forfeited—absolutely forfeited—subject to the discretion of the Bishop, if the holder, from misfortune or any other cause, fall into bankruptcy. Now, even if that were the best possible rule for the future, but that Parliament will consent to apply the rule to those who at present hold benefices I greatly doubt. I cannot imagine that Parliament will ever sanction the principle that the present holders of a freehold benefice, who entered in their freeholds under certain perfectly known conditions, shall be made to forfeit it by a process that is at present utterly unknown to the law. I hope, therefore, that as a matter of course, the right rev. Prelate will be prepared to except from the operation of his Bill all existing holders of benefices. But more than that—I want your Lordships to consider whether it will be wise in Parliament to say for the future, that wherever a freehold office is attached to the performance of certain duties—and I believe there are no duties more important than the spiritual duties of a parish—if the holder of that office becomes bankrupt, then the freehold is to be abolished, and the benefice to be forfeited. You cannot stop short in the application of that principle to benefices. If it is to be applied to benefices it must be applied to freehold offices of every kind which are connected with duties to be performed. You must lay down the rule—for if it be good for one description of office it is good for all—that wherever an office is held, the duties of which are not efficiently performed, it must be forfeited. I would also take exception to one postulate which was laid down by the right rev. Prelate. He said the endowment was not the property of the holder, but of the parish.

The Bishop of WINCHESTER: What I said was that the object for which the endowment was given was not the benefit of the parson, but of the parishioners.

Lord CAIRNS: I quite agree with that statement; but it is the services of the incumbent which belong to the parish, and provided they are rendered in a proper way the expenditure of his income is his own affair, and not that of the parish. The right of the parishioners cannot go beyond the right to the proper performance of the duties. Now, let us go a step further and see what the Bill proposes. The Bill leaves to the discretion of the Bishop, subject to appeal to the Archbishop, the question whether the benefice shall be forfeited or not, in the event of bankruptcy. I admit that if there is to be a discretion it could not be reposed in better hands; but will Parliament lay down the rule that the holder of a freehold benefice shall, for the future, hold his office at the discretion of the Bishop of his diocese? Is the Bishop to sit as a kind of Bankruptcy Judge, to consider the circumstances which have led the bankrupt clergyman into embarrassment, to pass an opinion on his conduct and say whether the benefice shall be forfeited or not, with no remedy except an appeal to the Archbishop? Will Parliament place such power even in such good hands? If, too, the Bishop decides that the benefice is not to be forfeited, what is to be done with the creditors? Is the clergyman to retain his benefice and not pay his debts? The Bill does not explain this point, for it makes no provision for the creditors in case the living is not forfeited. It proceeds on the principle that unless the bankrupt obtains his discharge the benefice is to be forfeited; but it is well known that a common condition of discharge is for a certain portion of the income or salary of the insolvent to be set aside for the purpose of paying the debts. The Bankruptcy Judge, therefore, would have power to discharge the bankrupt on such a condition, and the fact of discharge would entitle the bankrupt to retain possession of his benefice; yet, as at present with sequestrations, a portion of the income would be diverted to the payment of his creditors. The right rev. Prelate urges that the Bill, though it may at first sight appear harsh, is in reality a merciful one to the clergy; because money-lenders and others are now induced to tempt clergymen to get into debt, knowing that when the pinch comes they can obtain a sequestration of the living, and he thinks that if the power of sequestration be taken away the clergy will not be thus tempted. I am afraid your Lordships' experience of human nature will not bear out this view of the case. I believe the consequence would be this—The money-lenders would be quite as willing to lend money as they are now; but there would be this difference—that as the risk would be greater, the terms would be harder. The money-lender would have a perfectly efficient screw on the clergyman, for he would hold this Bill *in terrorem* over his clerical debtor—he would say—"If you do not pay my debt I will put you into the Court of Bankruptcy, and if you do not obtain your discharge your living will be forfeited." He would continue to lend, therefore; but the process being a little more circuitous than at present, he would make a harder bargain. I admit that there is great objection to the present state of the law. The real defect of the existing law is, that the Bishop, in the event of sequestration and failure of the clergyman to perform his duties, is not allowed to reserve a sufficient portion of the income to meet the wants of the parish. The right rev. Prelate mentioned the case of a living of £2,000 a year under sequestration for 30 years, only £200 being dedicated to the spiritual wants of the place. There certainly ought to be power to the Bishop to make an ample and liberal provision for the supply of the wants of the parish, which ought to be the first charge on the income, if the duties are not performed by the incumbent. Any Bill in that direction would, I believe, be accepted by Parliament, and would remedy the evil so far as it admits of remedy—for it cannot be remedied entirely. You cannot make things as pleasant as if a clergyman were never in difficulties; but that is the best remedy. I was glad to hear the right rev. Prelate express his willingness to have the Bill referred to a Select Committee; but though I see a great many objections to the second Bill also, I think it should likewise be dealt with in the same way. It is true the two Bills proceed on different principles; but when a subject of this kind is referred to a Select Committee, every suggestion on the subject should go with it, leaving the Committee to adopt the principle of one Bill or the other, or to recommend some other course.

The Archbishop of YORK: I am in no way responsible for the Bill; but some of the objections to it by the noble and learned Lord appear to me considerably over-stated. The real question is this—The law at present regards a benefice in the light of a freehold possession, held in connection with the performance of certain duties; and the House is asked to treat it in future as a trust, and to take care, first of all, that its duties are duly discharged. The principle of the Bill is to make the privileges of the freehold subordinate to the duties of the trust. That principle will, I hope, be affirmed by the second reading. The noble and learned Lord says, that whatever may be the case in future, it ought not to be applied to existing incumbents. Now, if the measure be good at all, I do not see why it should not be applied at once. I grant that it would be unfair to apply it to existing debts; but I do not see why it should not be applied to existing incumbents, in respect of all debts contracted hereafter. The noble and learned Lord contends that provided the duties of a freehold office are discharged that is sufficient; but there is a great difference between the position of a clergyman in difficulties and that of the holders of other offices. It is true that there are some cases of unavoidable misfortune overtaking a clergyman, which the parishioners, the Bishop, and all concerned, agree to regard as free from blame; but there are others of a totally different kind, where the debts are rashly, carelessly, even fraudulently contracted, and where it would be an additional calamity to the parish if the clergyman were continued in his services, even without remuneration. Bishops, indeed, are often obliged to take advantage of the power of refusing to assign a stipend, in order that the clergyman may go, and thus enable them to provide for the duties as best they can. I believe the principle is not unknown in other Departments of the State. An officer in the Army cannot place himself in the position at present held by some clergymen. He would lose his commission by committing acts such as those by which too frequently a clergyman loses the confidence of his parishioners. Consuls and persons in other public offices are also unable to charge their incomes with the payment of their debts.

Lord CAIRNS: Those are not freehold offices.

The Archbishop of YORK: I admit that there is that distinction; but in point of principle, if such persons sometimes lose their offices for these acts, why should a clergyman, who can no longer be of the slightest use to his parishioners, be treated differently? I am at a loss to know why, of all offices to which the discharge of duties is attached, the clergyman is to be the only exception of forfeiture for non-performance. With regard to what is to follow, in case the Archbishop should refuse to declare the living forfeited, I think that may very well be dealt with by the Select Committee. As to the suggestion of the noble and learned Lord, that ample provision should be made out of a sequestrated living for the spiritual wants of the parish, it would be an excellent remedy, if the benefice would provide both for the wants of the parish and the payment of the debt, so as to allow the former incumbent to go into retirement with a portion of the income. But, unfortunately, nine-tenths of the benefices are too small for that. What provision could be made in a living which was under £250 or £300 a year? What claim, moreover, has a man who has forfeited his position by some gross imprudence, depriving him of the confidence of the parishioners, to be a perpetual pensioner on a poorly endowed parish? I hope your Lordships will affirm the principle of the Bill, and I understand that there will be no objection to referring it to a Select Committee.

The Earl of HARROWBY wished to make a few observations. After the eloquent speech of the right rev. Prelate (the Bishop of Winchester) there was no necessity for him to make out a case against the present system—it was admitted on all hands. He hailed with satisfaction the tone which prevailed in their Lordships' House on this subject compared with that of a few years back, when any Bill proposing to deal with the subject would have met with very little favour. A benefice was then regarded as an absolute freehold, and the trust with which it was connected was thought of very lightly indeed. The question was not now as to the grievance, but as to the remedy. He agreed with much that had been said by the noble and learned Lord (Lord Cairns) as to the Bill of the right rev. Prelate. The right rev. Prelate's Bill proposed to treat the clergy as minors, incapable of pledging their property, their debts being merely debts of honour—and no doubt something might be said in favour of it; but the view of the noble and learned Lord must also be taken into consideration, according to which the result, as in the case of minors, would be heavier encumbrances and an aggravation of the evil. He admitted that with regard to existing sequestrations the provisions of his own Bill were not entirely satisfactory. It was placed in his hands at the end of last Session, at the instance of the Archbishop of Canterbury, and he was requested to place it before the House in order that it might be circulated and considered during the Recess. He did not mean to represent that his Grace was pledged to every part of it; but it certainly received his sanction. If their Lordships were not prepared—as he himself was not, at least for the present—to go the length of abolishing the security for clergymen's debts, and making them merely debts of honour, they ought to be willing to adopt the only provision of his Bill to which he attached any importance—namely, to give the larger powers to deal with such cases. That was the only principle of the Bill to which he attached importance. He desired that the Bishops should have larger powers in dealing with the revenues of sequestrated livings, and that instead of £200 a year as much as £500 or £600 should be at their disposal if the revenues allowed of it. The power of vacating a living in case of bankruptcy created a very awkward dilemma. If made absolute in all cases, it would no doubt in many cases not only be a very needless hardship on the clergyman, but lose to the parish the services of a worthy man, whose bankruptcy might arise from no fault, or a very trifling fault, of his own; while, on the other hand, if a discretion was left, as in the right rev. Bishop's Bill, to the Bishop, he might often be placed in a very unpleasant position, being exposed to pressure from the friends and relatives of the bankrupt, as well as from persons anxious for a new appointment, and would thus be placed in a difficult and delicate position. His difficulty would be still further increased if the living was in his own patronage. He did not pretend that his Bill was entirely satisfactory; but he hoped their Lordships would refer it likewise to a Select Committee, and he trusted that the consideration of the whole question by some 15 of their Lordships would result in the framing of a satisfactory measure.

THE DUKE OF CLEVELAND, being personally cognizant of one or two cases of sequestration, held that an amendment of the law was urgently called for, and he thanked the right rev. Prelate (the Bishop of Winchester) for introducing this Bill. He hoped its principle—namely, that the freehold should be less considered than the duties to be rendered by the freeholder on behalf of the parishioners—would be affirmed by the House, though he agreed with the noble and learned Lord (Lord Cairns), and with the noble Earl (the Earl of Harrowby), that some of its details were open to objection, and that the discretion proposed to be conferred on Bishops would be an invidious and arduous task. The position of the creditors must be taken into consideration, as also cases in which bankruptcy might be due to unavoidable misfortune, entitling the clergyman to sympathy rather than to forfeiture of his preferment. Looking at all the circumstances of the case, he thought it desirable that both the Bills should be referred to the Select Committee, because he agreed in some of the observations that had been made by the noble Lord opposite (Lord Cairns). The evils occasioned by the present state of the law were so patent and so serious that it was highly desirable that some remedy for them should be applied by Parliament in the present Session. He quite coincided in the opinion that, where it was possible, a larger sum should be given to the clergyman who discharged the duties of a living under sequestration.

LORD WESTBURY deemed it the bounden duty of those Members of their Lordships' House who, by courtesy, were called "learned," to call attention to any proposal which infringed the settled rights of property. Now, while admitting the laudable motives which had inspired this Bill, he was obliged to say that since the Irish Church Bill he had seen none which more violated those rights than this. He agreed with the right rev. Prelate (the Bishop of Winchester) as to the cumbrousness of the second Bill; but the simplicity of this was equally open to objection, for with one fell swoop it would take away their property, not only from the clergy, but from their creditors, and would place it at the disposal of the Bishop or Archbishop. Such a scheme it was hardly possible for any reasonable being to entertain. The principles enunciated in the speech of the right rev. Prelate were worthy, indeed, of all commendation, for they were founded on reason and justice, and if the Bill went to a Select Committee—on which he, for one, should be happy to serve—its efforts would be directed to bringing the Bill into harmony with those principles. The word "trust" was sometimes used here and elsewhere with a great amount of inaccuracy and in a very uncertain manner. Trust there was none, in the proper sense of the term, with regard to a benefice; but the law had provided the clergyman with that income to the intent that he might fully discharge his clerical and parochial duties, and if he was unable to do so, reason and justice demanded that his superior, the Bishop, should be able to take so much of the income as was required for those duties by some one else. No doubt, in many cases, the whole income might be inadequate to that purpose; but to the extent of this principle he should be most willing to go, and the present law undoubtedly fell far short of its duty in the administration of that principle. If the right rev. Prelate would permit him to substitute his speech for his Preamble and clauses, he should be happy to accept the Bill in that sense; and courtesy, he thought, demanded that the noble Earl's Bill should likewise be referred to the Committee. It was very important, however, having regard to the other duties they owed to the public, that the Committee should be able to bring their labours within such a compass as to complete the consideration of the subject within two or three days. In that case, he for one should be enabled to attend the Committee without derogating from his other duties.

THE MARQUESS OF SALISBURY: My Lords, I very much doubt whether the announcement that this Bill is an invasion of the rights of property such as that on which the opposition to the Irish Church Bill was founded be a reflection that is likely to conduce to the support of this Bill. On the other hand, I support this Bill on the very ground on which I opposed the Irish Church Bill—and that ground is, that the income enjoyed by the clergyman really belongs in the first instance to the parishioners, and that they are in the first instance to be considered; and that, therefore, it is a great injustice to congregations to allow the clergy to mortgage their livings, and ignore the claims of the parishioners. As, on the contrary sense, I believe the Irish Church Bill to be unjust, because it deprives the Anglican congregations in Ireland of their right to spiritual ministrations, so I now hold that it is a great injustice that clergymen should draw the revenue of a living while they had rendered themselves incapable of discharging its duties. I only rise to express my concurrence in the view of my noble and learned Friend (Lord Cairns) that, on the whole, you will have a more manageable task if the Select Committee had only one matter referred to it; and for this reason—the right rev. Prelate appears fully satisfied with his Bill from the beginning to the end, while my noble Friend is not very well satisfied with any part of the Bill which has been placed in his hands; and it is obviously not reasonable that the Select Committee should be asked to take into consideration a measure respecting which its very author is so doubtful in his language. But I feel we have not really any very wide difference to combat between those who apparently take different views on this question—the difference is rather apparent than real. I was at first much alarmed by the announcement of the opinion of the noble and learned Lord opposite; but the difference, after all, seems to resolve itself into this—that the first charge on the clergyman is the full, complete, entire performance of all the parishioners can claim from him, and not a farthing should be taken away till that claim is fully satisfied. The only thing that remains to be decided is, who are to enjoy the surplus, if surplus there should be? Is it to go to a new clergyman, to be appointed for the benefit of the parish, or to the clergyman who has prodigally mortgaged the income of the benefice? It appears we must take into consideration in deciding that point the nature of the expenditure, and the extent of the moral responsibility of the clergyman. Two noble Lords who have spoken on this subject left out of their consideration that, in our modern practice, bankruptcy has come very often to be regarded as a positive offence. There is no greater disgrace than to be excluded from the House of Commons; but if, after election, a Member becomes bankrupt, that penalty falls upon him. If a barrister becomes bankrupt, he loses the power of continuing to practise his profession. In our public offices, also, it has recently become the practice that if a man becomes bankrupt he ceases to retain an office which, though not freehold, is yet in practice perpetual. That may fairly be applied to a State clergyman. No doubt a clergyman's benefice is his freehold; but Parliament has always reserved to itself the discretion of deciding what offence shall incur deprivation. Parliament has never hesitated to inflict that penalty for offences judged worthy of it; and the point to which the consideration of the Committee ought to be directed to define is the line which should be drawn between those clergymen who are culpably extravagant and those who, through unforeseen emergency, fall into pecuniary embarrassment. Where the difficulty has been unforeseen it would be a hard measure to deprive him of all future prospects in his profession; but I think I do not see any justice to the parishioners in requiring them to retain the services of a clergyman who has fallen, through his own fault, into embarrassment. I can only add that this is no theoretical—it is a practical grievance. I know more than one instance similar to those which have been stated, and which have been productive of very great evils; and I hope no ordinary scruple will be allowed to prevent the application of a speedy remedy to such a state of things.

THE BISHOP OF GLOUCESTER AND BRISTOL earnestly desired to express the hope that the Bill presented by his right rev. Friend who presided over the diocese of Winchester would form the text on which the Committee would have to enlarge. He recognized several defects in the Bill; but it was with the greatest satisfaction that he saw the principle enunciated that livings were held in trust, and that several of their Lordships recognized that as a fundamental principle. As far as he was acquainted with the subject, this was the first time when it had been even shadowed forth that there should be a power by which, on a clerk incurring debts illegitimately, and placing himself, therefore, at a great disadvantage as a spiritual minister to his parish, he should be considered in danger of losing his benefice. He hoped his right rev. Friend's Bill would be selected to go before the Committee, because it would be accepted by the country as a very important evidence of a prevalent opinion in that House that livings are held on trusts.

THE LORD CHANCELLOR: My Lords, I cannot be altogether silent when a subject is discussed so extremely interesting as that of making a due provision for the services of the Church in those parishes which have the misfortune to be presided over by clergymen who have so encumbered themselves with debt as to render it impossible for them to conduct the duties which they owe to their parishioners in a manner satisfactory to their parishioners or even to themselves. During the short time I have had the honour of holding my present Office it has come to my knowledge eight or nine times, in presenting to benefices, that the parish has been in a state of the greatest possible disorder, owing to the incumbent for many years having been absent from his duties in consequence of his debts—which have frequently obliged him to live out of England altogether. One case has been mentioned in which the income was very large. A case occurred in which I had to present—not in the immediate right of the Crown, but the presentation fell to me in consequence of the vacancy of a see. The income was nearly £4,000 a year, and the incumbent having been for years residing abroad the services were very badly provided for; practically, the only teaching of the people in Christian truth was furnished in one of the largest Dissenting chapels in the town where the case occurred. On the occurrence of the vacancy, it was arranged by the Bishop of the diocese—and the ready concurrence of Her Majesty was given to the arrangement—to divide the large parish, and have four clergymen with curates instead of one incumbent. Most active men have been placed there, and already a most remarkable amount of good has been accomplished in the parish. Another instance of a different character occurred in the principal parish of an important county town. The income was only £350 a year. There the same thing happened. I was asked—and I could not refuse—to present a gentleman who for 25 years had admirably performed the duties of the parish in lieu of the incumbent, with a stipend of £200, the rest of the income being appropriated to the incumbent's creditors. I have had six or seven other parishes in the same condition, and where the most disastrous effects have resulted to the parishes. One of these was the case of a large rural parish. The emolument was small, and the incumbent had become hopelessly in debt. I found great difficulty in finding a proper presentee. Under these circumstances I was most thankful in being able to obtain the assistance of a clergyman who, in consequence of having served in India, was in the receipt of a pension, and who, on that account, stood in a better position to perform the duties of the incumbency than many others. This gentleman accepted the living, and has restored the parish to a proper condition. Such cases are too frequent and are known to all right rev. Prelates, and therefore there is no doubt that some remedy is required for this most disastrous state of things. Beyond all doubt, no person would venture to say that an incumbent is placed in his parish merely to perform his duty twice on every Sunday, to spend his income as he pleases, to incur debts, and to place himself in circumstances under which his character becomes such that his parishioners can no longer respect him, and yet that he should continue to enjoy the income which he draws from the parish. I feel thankful that the present Bill has been introduced, and that no one has opposed the second reading; but, at the same time, I am bound to say that I agree with my noble and learned Friend that there is much requiring consideration in the Bill, which is somewhat meagre in its details, and which, though proceeding in a right direction, goes further, perhaps, in its operation than any Select Committee of your Lordships would, after a full and general consideration, sanction. The true principle is, to consider the parishioners in the first place; and is it to be supposed that a clergyman can teach to his parishioners the cardinal principle of doing as they would be done by if he exhibits in his own person an example of spending carelessly the money of other people by taking goods from his parishioners which he has no means of paying for, and if he thus neglects the obvious duties which all owe one to another? It is plain that such a person cannot have the slightest hope of impressing on the minds of his congregation the doctrines he preaches, while his own example is opposed to the principles he inculcates. I therefore trust that the proposal to refer the right rev. Prelate's Bill to a Select Committee will be agreed to; and I hope that the noble Earl will not require that his Bill should be referred to the same Committee, because, if only on account of the complication of its details, it would occupy time which had better be devoted to perfecting the Bill of the right rev. Prelate. There is a clause in the noble Earl's Bill directing the value of a sequestrated living to be ascertained, and, after deducting what is necessary for the maintenance of the clerk and his family, to hand over all that is provided for the creditors to another authority, the whole transaction being completed by borrowing from Queen Anne's Bounty. The whole principle is wrong that there should be a power set above the creditors to take out of their fund that which the clerk has forfeited, and I do not see any object in referring the noble Earl's Bill to the same Committee as that to which the Bill of the right rev. Prelate is to be sent, because, without taking that step, the noble Earl will have the opportunity of making such suggestions in the Select Committee as he may think desirable. As regards myself, I am afraid that my necessary attendance at appeals in your Lordships' House will render it impossible for me to be present at the deliberations of the Select Committee.

THE EARL OF HARROWBY said, he did not wish to press his Bill upon the Select Committee, if it were not the general wish of their Lordships that it should be referred to that Committee.

Motion *agreed to;* Bill read 2ª accordingly; and *referred* to a Select Committee.

And, on *May* 19, the Lords following were named of the Committee:—

L. Abp. York.
Ld. Privy Seal.
D. Marlborough.
D. Cleveland.
M. Salisbury.
E. Shaftesbury.
E. Grey.
E. Harrowby.
E. Beauchamp.
L. Bp. London.
L. Bp. Winchester.
L. Bp. Gloucester and Bristol.
L. Stanley of Alderley.
L. Chelmsford.
L. Westbury.

And, on *May* 20, the Lord Bishop of ELY *added* in the place of Lord WESTBURY.

HIGH COURT OF JUSTICE BILL [H.L.], APPELLATE JURISDICTION BILL [H.L.]

Moved, That there be laid before this House, Copy of the communication from the Lord Chief Justice of England and other Judges to the Lord Chancellor with respect to the: *Agreed to*: (*The Lord Chancellor*).

Copy of the communication from the Lord Chief Justice of England, &c. respecting: Laid before the House (pursuant to order of this day), and to be *printed*. (No. 104.)

House adjourned at a quarter before Seven o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 17*th May*, 1870.

INDIA—INCOME TAX.—QUESTION.

MR. DENISON said, he wished to ask the Under Secretary of State for India, If he will place upon the Table of the House the whole of the Minutes of the Governor General's Council on the occasion of imposing an additional Income Tax upon the people?

MR. GRANT DUFF: In reply to my hon. Friend I have to say that he is possibly not aware that nearly the whole discussion on the Budget is always carried on orally, as well in the Executive Council as in the Legislative Council of the Governor General. The only Minutes at all answering the description given in my hon. Friend's Question, which we have, are extremely fragmentary and would give to the public, if printed, quite a wrong impression as to the real course of the discussion about the increased income tax. I shall be happy to show my hon. Friend the Papers; but I think he will agree with me that their publication would be undesirable.

CHINA—CONSULAR ETIQUETTE.

QUESTION.

COLONEL SYKES said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether he is to understand by his reply to the Question put to him on Friday the 13th May, that if the report alluded to be confirmed or authenticated, he will cause inquiry to be made into the circumstances stated in the Shanghae Consular Gazette of the 15th March 1870?

MR. OTWAY, in reply, said, if the report were confirmed inquiry would unquestionably be made into the treatment of the English Consuls in China. But he found that the newspaper mentioned did not give the statement authoritatively, but merely published it as a rumour from Macao. It was obviously impossible for the staff of a public Office to occupy itself with inquiries into every statement which appeared in every foreign newspaper.

RELATIONS WITH NEW ZEALAND.

QUESTION.

MR. MAGNIAC said, he wished to ask the Under Secretary of State for the Colonies, Whether Her Majesty's Government have considered fully the representations made to them by the Commissioners from the Colony of New Zealand, and have come to a final decision in regard to the reply to be given?

MR. MONSELL: Sir, my hon. Friend is doubtless aware that Her Majesty's Government, under a strong sense of duty, declined to accede to the request conveyed to them by the Commissioners named by the Government and Legislature of New Zealand to cancel the orders which had been given for the withdrawal of the troops from the Colony, or to consent to any arrangement for keeping a regiment there. Accordingly, the regiment that was there has been withdrawn, and the question of military assistance in time of peace has been finally settled. My hon. Friend, who was anxious to assist the Colony in its efforts to meet the difficulties which it has to overcome now for the first time, without any external aid, made a proposal for introducing a large number of settlers. I think his calculations were made for 50,000. The expenditure necessary would have involved annual advances from the Imperial Government varying from £60,000 to £96,000 a year. The sum of £426,600 was to be the largest amount that at any time the Imperial Government was to be responsible for, and the repayments would have extended over 13½ years. Last Saturday week my noble Friend, Lord Granville, after submitting the scheme to the Cabinet, who thought it unusual in its character and liable to cause future misunderstandings, informed my hon. Friend that Her Majesty's Government were agreed, from a strong wish to prove their goodwill towards New Zealand, to adopt the principle of affording the aid of the Imperial credit to the Colonial Government in raising, during a period of five years, a sum of £100,000 a year if an application to that effect were made to them by the delegates for the promotion of emigration and for the making of roads. The details of the arrangement, it was added, would have to be carefully considered. At the beginning of last week the Commissioners made another proposal, in these words—

> "That the Imperial Government should give the New Zealand Government their credit in order to take up money from time to time, in such sums as it might be able to apply prudently to the above purposes; that the New Zealand Government should issue Treasury bills for the amounts so taken up, bearing interest not exceeding 3½ per cent; and that when the £1,000,000 should have been so taken up—that is to say, at some period not later than 10 years, the Government of New Zealand should place a loan to that amount on the market upon its own account, to withdraw the Treasury bills, and relieve the Imperial Treasury from further engagement on behalf of the Colony."

To this proposal Lord Granville answered that—

> "There are, in the opinion of Her Majesty's Government, objections in principle to giving this assistance in the shape of direct State aid to emigration; and they do but repeat the settled judgment of Parliament in stating their opinion that, except on the most special reasons, the practice of guaranteeing the loans of self-governing Colonies is generally injurious to them and to the parent State. That Her Majesty's Government treated your request as an exceptional one, coming at the close of long financial relations between the Imperial Government and the Colony, and at a period when for the first time New Zealand has on its own resources alone made a gallant and successful effort to meet the difficulties to which it is exposed. And while giving effect, as they are bound to do, to their general policy, they are anxious to adopt any collateral measure which will mitigate its consequences in the peculiar case of New Zealand, and be an evidence to the colonists of the interest which is felt by the Crown and Parliament of this country in the re-establishment and advancement of their prosperity. With this view they are prepared, on your assurance that the sum will be expended as it is raised for the purposes indicated in your letter, to submit to Parliament a proposal that, under proper conditions as to repayment, which will, of course, be a subject of further arrangement, the Imperial Treasury should be authorized to guarantee a loan of £500,000, to be raised at such rates and in such proportions as may be agreed upon."

After some discussion with the Commissioners, who urged the importance of a larger sum, my noble Friend brought the matter again before the Cabinet last Saturday. Her Majesty's Government thought that the difference of amount was of less importance than the terms of the guarantee and the conditions of repayment. The Commissioners have declared that they were ready to agree to any fair conditions which might be required if a guarantee was given for £1,000,000. I trust and believe that the House will agree to this proposal, intended as a proof of goodwill from this country to New Zealand, at a time when, not without difficulty, an important principle as to the military defence of self-governing Colonies in time of peace has been finally established.

NAVY—THE WHITWORTH GUN.

QUESTION.

Sir JOHN HAY said, he would beg to ask the First Lord of the Admiralty, Whether it is still his intention to demand of the War Office a thirty-five ton Whitworth Gun for the use of the Navy, or whether the War Office has satisfied him of the inexpediency of incurring this expenditure?

Mr. CHILDERS: Sir, the state of the case is as follows:—My right hon. Friend the Secretary of State for War and I agreed, after consulting our responsible advisers, that Messrs. Whitworth should be called upon to tender for a 35-ton naval gun, and this tender has been under the consideration of the Ordnance Council. I have not yet received full official information of the proceedings of the Council, portions of which are not yet printed; but I am aware of the general view they have taken, and when the Papers are complete my right hon. Friend and I will consider with our advisers what course in the matter we shall adopt.

IRELAND—MR. D'ARCY IRVINE.

QUESTION.

MR. SAUNDERSON said, he wished to ask the Chief Secretary for Ireland, Whether the attention of Her Majesty's Government has been called to outrages said to have taken place in the county Fermanagh, against Mr. D'Arcy Irvine; whether, in the opinion of Her Majesty's Government those alleged outrages ever took place, or are not imaginary; and, whether it is true, as reported, that Mr. D'Arcy Irvine appeared at the fair of Irvinestown, on the 9th of this month, at the head of one hundred men armed with Snider rifles; and, if this report be found correct, whether it is not necessary to put an immediate stop to such proceedings? He begged further to ask, Whether, as Mr. D'Arcy Irvine, who now always carries firearms in his carriage, was proceeding through Enniskillen, he discharged two shots in the air before the house of Captain Butler, the Stipendiary Magistrate, which collected a large crowd, who, to show their sympathy, followed him through the town, cheering vociferously? Also, whether Mr. D'Arcy Irvine had called a meeting for Friday next to censure the conduct of Captain Butler, the Stipendiary Magistrate, by the following placard:—

> "Rise, sons of civil and religious liberty, Orange and Green! Meet me in Enniskillen on Friday next, in Fair Green, in defence of The Queen and Her Throne, in defence of your lives and rights, in defiance of all party government, in defiance of ascendancy and police magistrates who write in the Press that peaceable inhabitants are shocked to see loyal men carrying arms to defend themselves against assassination. United we stand, divided we fall.—Yours sincerely,
>
> "D'ARCY IRVINE."

MR. CHICHESTER FORTESCUE, in reply, said, his attention had been called to the outrages or outrage alleged to have been committed, not upon Mr. D'Arcy Irvine personally, but upon his servant. The story was, that a gun had been snapped at the servant in the darkness of the night, as he was standing outside Mr. D'Arcy Irvine's hall door. He confessed, from all the information he had obtained, he agreed with his hon. Friend that the outrage was purely imaginary. It was not for him to explain how the mistake arose. With respect to the latter part of the Question, he had no official information. He should be inclined to believe that there was a good deal of imagination about these stories also. It was difficult to believe that Mr. D'Arcy Irvine should have appeared at the head of 100 rifles; but if there was any truth in the story, it would be highly desirable that some influence should be used with Mr. D'Arcy Irvine to moderate the state of excitement which such an act would indicate. He should be afraid to employ any influence, as he believed no one connected with the Government of the country would be a fit person to approach Mr. D'Arcy Irvine; but if there were other gentlemen who could bring their influence to bear on him, they would do a great deal of good to that part of the country.

THE MASSACRE IN GREECE.

QUESTION.

SIR JAMES ELPHINSTONE said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether, as it appears from the Papers laid before the House, that the release of the captives in Greece was opposed by a political party in Athens, and as the Secretary of State for Foreign Affairs has pressed on the Government of Greece the urgent duty of tracing out this conspiracy, Her Majesty's Government do not consider that the presence of the Mediterranean Fleet at the Piræus would strengthen the hands of the Greek Authorities in pursuing an investigation involving many persons of high political and social position at Athens?

MR. OTWAY: Sir, Her Majesty's Government have required of the Government of Greece that the investigation into all the circumstances of the recent murders of their countrymen there shall be searching and complete. Her Majesty's Minister at Athens has informed us that the judicial inquiry is being conducted with all practicable speed, and, as I mentioned to the House a few days ago, Mr. Erskine will have the assistance during this inquiry of able counsel. We desire that the truth may be made manifest and justice done in this matter; but we do not consider the presence of the Mediterranean Fleet at the Piræus as necessary to this end; while it might have the effect of leading the people, of whose sympathy and right feeling on this subject we have no reason to doubt, to think that the investigation was being pursued and that justice would be administered under the pressure of a foreign armed force. He might take that opportunity of telling the hon. Member for Surrey (Mr. Peek), who had asked a Question on the subject on the previous day, that there would be no difficulty in completing the series of translated Papers.

CHANNEL PASSAGE BETWEEN ENGLAND AND FRANCE.—RESOLUTION.

SIR WILLIAM GALLWEY rose, according to Notice, to move—

> "That, in the opinion of this House, Her Majesty's Government should invite the co-operation of the French Government for the purpose of improving the Channel Passage between the two Countries."

He was sorry to say he found it very difficult to convince anyone of the importance of that subject, and he feared that neither the House nor the public would give to it the attention it deserved until some terrible catastrophe occurred, either from the great difficulty now experienced in entering the Channel ports, or from the insufficiency of the boats which the present Channel packets were enabled to convey, with a view to the safety of their passengers in the event of accidents. The physical consequences of the improvements he would advocate were that by means of larger vessels they would gain greater speed and more certainty, together with much additional safety in making the passage. He need not say that the moral effects of these improvements would also be very great. He was told, on the best authority, that the number of passengers who would cross the Channel, if they were not deterred by the insufficient size of the packets, would be very large indeed, and that the value of the traffic now passing that way from England into the port of Boulogne was £19,000,000, while the traffic entering all the ports generally on the English side amounted only to about £12,000,000. By improved arrangements that traffic in passengers and in goods might be very largely increased, the result of which would be that both countries would obtain a better knowledge of each other, would learn how they could become more useful to each other, and thus their relations of mutual friendship and goodwill would be placed even on a firmer basis than that on which they now stood. Last Session he brought forward a similar Motion to the present; but by a mishap the discussion upon it came to an untimely end. The hon. Gentleman opposite (Mr. Shaw-Lefevre) disclaimed having been the cause of that misfortune; and, although the evidence against him was strong enough to sink one of the iron-clads of the right hon. Gentleman (Mr. Childers) who sat next him, yet he placed perfect confidence in his disclaimer. After the failure of that Motion all that he could do was to ask a question or two on the subject, which, of course, could not be followed by discussion. Still, the public began to reflect with some uneasiness upon the smallness of the vessels in which they had to cross the Channel, and which were to be exchanged for still smaller vessels in winter, the very season in which vessels of more power and greater size were most required. The public also began to feel some indignation at the persecution which, owing to the supineness of the Board of Trade and the South Eastern Railway Company, passengers had suffered for so many years on arriving at the port of Boulogne. He had asked the hon. Gentleman opposite whether he was aware that those Channel packets, which sometimes carried 200 or 300 passengers, did not carry more than sufficient boats to save 30 or 40 persons besides the crew in case of accident? The answer he received was "Yes." He also asked whether paddle boats could not be fitted on the paddle-wheels of steam packets? a question to which he got no answer at all. Now, he had been informed by a gallant and most skilful officer, who had for many years commanded a paddle-box man-of-war, that during the term of his command his vessel was fitted with large paddle-box boats, and that by means of "hinge davits" those boats could be safely launched in all seas without difficulty. That was a point which he thought the Board of Trade ought to consider, with a view to requiring the Channel packets to adopt some such expedient. Travellers generally were very ignorant of all matters concerning the passage across the Channel, and contented themselves in stormy weather with anathematizing the Board of Trade, the boats, and everything connected with them; and, therefore, it would be impossible for them to judge of the advantages that would be derived from bringing the Folkéstone and Boulogne boats to Dover, without waiting for those more important improvements which he trusted before long would be carried into effect. With the exception of a little occasional grumbling, the public did not do much in the way of stimulating the action necessary to be taken for the improvement of the ports on either side of the Channel. Before putting his Motion he would make one or two remarks relative to the four ports on the English and French coasts used as arrival and departure stations for the two different services. The packet service between Dover and Calais was partly French and partly English, and it was called, although its name was somewhat of a delusion, a fixed packet service. The tidal service, as it was called, between Folkestone and Boulogne was a purely English service, and the time of the starting of it was regulated, as its name implied, by the state of the tide. Although Folkestone Harbour represented an area of 14 or 16 acres, a large portion of that consisted of mud banks, and the vessels employed in the service, being frequently unable to swing, were obliged, like Black Rod, after delivering a message to the Speaker, to back out, in a not very graceful manner, stern foremost. It was somewhat surprising that, although the Folkestone boats started for Boulogne from that harbour, the passage from Dover to Boulogne was considerably shorter, besides being better and safer, in consequence of the dangerous shoals which lay directly between Folkestone and Boulogne, the edge of which was almost scraped by the vessels running between those ports in their passage across the Channel. Vessels starting from Folkestone for Boulogne lost from an hour and a-half to two hours of the tide, a disadvantage that would not be encountered if the port of Dover were substituted for that of Folkestone. The next point to which he would refer was one which concerned the shareholders in the Folkestone Company rather than that House. It was most unnecessary that the South Eastern Company should keep up at Folkestone a very large staff and building at an enormous expense almost within sight of a similar establishment at Dover. It would be unjust were he to leave the question of this port without fully admitting that the company had carried out their tidal service with the greatest excellence, speed, and safety, while their captains had always shown themselves anxiously zealous in the discharge of their duties, which in heavy weather were exceedingly arduous and responsible. He might also testify to the excellence of their boats, which were far superior to those which ran between Dover and Calais. He did not believe, considering the shallow entrance of the ports they started from, that human skill could produce vessels either of greater speed or possessing finer sea-going qualities. Still, the motto of the company should be "*Excelsior*," which he would translate as meaning—"Let the Folkestone Company, for the advantage of the public, move bag and baggage to Dover as soon as they possibly can." It was unnecessary for him to give the House any lengthened description of Dover. The pier at that port was a great national work, and he might say that it was one of the few great national works of which they, as Englishmen, might well feel proud. The Dover Pier had fully answered the purposes for which it had been built; it extended some 2,200 feet into the Channel; and he did not believe there had been one single day during the last 18 months when the packets were not able to start, or when they could not disembark their passengers conveniently. The same praise, however, could not be awarded to the service between that port and Boulogne. He must protest against the assumption that the Dover Company carried out their professions. Since he had undertaken to bring this matter forward he had seen endless letters from passengers who had been deluded into going down to the pier at Dover in the belief that the boats would start at a fixed hour. After considerable delay the boats proceeded across the Channel at half-speed, so as not to arrive too early outside the port of Calais. He had known the boats of this service, in the months of March and April, frequently remain under the shelter of the pier at Dover for hours, in berths which they occupied with a fixity of tenure that would have almost satisfied an Irish tenant. He knew very well what was the cause of this delay—it was occasioned by the prevalence of a strong easterly wind, and, doubtless, if the packet boat had sense and feeling it would prefer to remain under shelter rather than to venture out in an easterly gale, and to cross the Channel at half-speed in order to knock about outside of

Calais Harbour. It would tend greatly to the convenience and to the comfort of passengers, and to the speed and security of the mails, if the Post Office would authorize the mail boats to go to Boulogne at the times when the easterly wind was so strong as to render it necessary for the boats to remain at Dover Pier. He had him self seen pleasure boats disporting themselves outside Boulogne Harbour at a time when the easterly winds were so strong as to prevent the packet boats leaving Dover, in consequence of the sea off Calais being more than they could deal with. He had brought this proposal before the Post Office authorities last year without result, although at that time they were about entering into fresh contracts for the conveyance of the mails. The officials of the Post Office had received the proposal with every courtesy; but they had entirely contradicted what he had seen occur at Dover with his own eyes. He had heard it stated that we had almost completed a work at Dover which would fulfil all that was required for an improved service on the English side of the Channel —that, therefore, we could not be justly called upon to do more, and that the French must perform their part of the obligation by executing similar works at Calais. He wished, however, to point out to the House the difference between the importance of the Channel communication to France and to this country. From the French point of view the passage across the Channel was simply the road to one of the out-of-the way islands of Europe; to a foggy land which Frenchmen told us but few of their countrymen visited except from matters of duty or of business; to a country still deserving the description given of it by a French Ambassador in the time of Louis XV., that it was a land with 100 religions and only one sauce, and that was melted butter. The passage across the Channel, from an English point of view, was an entirely different matter. It was our sole road to France, to Europe, to Africa, and the Mediterranean, and to our Indian dominions, and, therefore, it was of the first importance to us that the ports on both sides of the Channel should be rendered as convenient as possible. He did not mean by his Motion that the Government should say to the French Government that if they would make a port we would pay for it; but he thought that our Government should be prepared to give a guarantee to any private company which should be inclined to accomplish the work. The matter should be looked at as though the ports on both sides of the Channel were the joint property of the two countries, and either country should be at liberty to express its opinions respecting the capabilities and the deficiencies of its neighbour's ports without fear of giving offence. As to Calais, he regretted to say that it was really a very bad port, and was almost beyond improvement. Not only was there a shoal two or three miles off the land, but there was also a sand quite close to the mouth of the port which rose until it was not more than 2½ feet under the surface of the sea, and an easterly wind made it shift many feet to the east or west. He spoke against the port of Calais with very much regret, because everything was done that Calais itself could do for the speed and convenience of the passage and for the protection of the passengers from hardship. Now this formed a strong contrast to Boulogne, where, from greediness on the part of the town and supineness on the part of the South Eastern Company at their head-quarters in London, great inconvenience was suffered by passengers. He would now touch upon the improvements which it was presumed were about to be made in the French ports, and he had no doubt that the House would receive full information upon this point that night from Her Majesty's Government. The only projected improvement of which he had heard was, that the water in Calais Harbour was to be impounded and that the piers were to be lengthened. The only effect of using the water would be to drive silt out of the harbour; and as to the landing piers, it would be of no use to do the work unless they were prepared to carry them so far that they would extend beyond the harbour tide and into the true Channel tide. It would even then be doubtful whether the piers could be so constructed as to give efficient protection to boats when passengers were going on board or leaving. His only object in bringing forward this Motion was to obtain an affirmation of his opinion that at present the packet service was in a most unsatisfactory state. He believed unless there were such an affirmation of opinion that this time next year this important question would not be at all advanced towards completion. This being so, he appealed to the hon. Gentleman the Vice President of the Board of Trade to do all in his power to inquire into the whole of this question of international communication between the two countries, which, he repeated, was in a most dangerous and unsatisfactory condition. The hon. Baronet concluded by moving his Resolution.

MAJOR WALKER seconded the Motion.

Motion made, and Question proposed, "That, in the opinion of this House, Her Majesty's Government should invite the co-operation of the French Government for the purpose of improving the Channel Passage between the two Countries."—(*Sir William Gallwey.*)

MR. SHAW-LEFEVRE said, that he would not detain the House at any length; but he would say that he was quite prepared to admit the main facts upon which the hon. Baronet had relied to show the extreme imperfection of the means of communication between this country and France, and the great inconvenience that consequently arose to this country. He should, however, be able to show that the Government had, during the past year, done everything in its power to remedy these defects, and had hopes of ultimate success, at least in respect of the chief bar to improvement, the want of sufficient harbour accommodation on the other side of the Channel. This time last year, as the House would probably recollect, the Board of Trade instructed one of its Inspectors, Captain Tyler, to report upon the subject; and the result of his inspection had been laid on the Table. It fully confirmed the hon. Baronet's statement, and showed that at least half of the passengers across the Channel suffered extreme discomfort from the want of accommodation. Captain Tyler showed the difficulty of the case by the statement that only 90 days in the year could, on the average, be regarded as fine, 29 were stormy, and 102 he described as characterized by good round seas and breezes. Much of the inconvenience resulted from the smallness of the vessels; they were not more than 230 feet long, and drew only about six feet of water; but the want of harbour accommodation necessitated the use of small vessels, and it was impossible to use a better class of vessels until the harbour accommodation was improved. He could not, however, admit that these vessels were unsafe, for they had for many years performed the duty, not only with admirable certainty, but with such great safety that the peril to life was almost inappreciable. Captain Tyler had reported minutely as to the accommodation on both sides of the Channel. On our side, the pier at Dover was very nearly completed, and its completion would remedy, to a great extent, all defects on this side; for then vessels of 400 feet long, and drawing 10 or 12 feet of water, might very well use Dover. But neither Calais nor Boulogne was at all suited for vessels of this kind; for there were sands that restricted us to vessels of the size of those now running. Captain Tyler investigated the schemes that had been proposed to remedy the present state of things on the other side, such as the enlargement of the harbour, and the forming of a harbour at Andreselles, to the westward of Point Grisnez. He thought that it would be better to lengthen the pier at Boulogne than build a new harbour, and he considered that for £500,000 the western pier of Boulogne might be extended into deep water, so that vessels of 400 feet in length, and 10 or 12 feet draught, might easily enter the harbour. What, in his opinion, was chiefly wanted was improvement on the other side of the Channel. This Report was communicated to the French Government by Lord Lyons, and he said that he had on all occasions met with sympathy from the French Government. He (Mr. Shaw Lefevre) could not do better than read two extracts from letters addressed by Lord Lyons to Lord Clarendon on the subject. On the 15th of February last Lord Lyons wrote—

"On the 25th of July last, in obedience to the instructions contained in your Lordship's despatch of the 24th of that month, marked 'Commercial, No. 73,' I communicated to the French Government Captain Tyler's Report of the 29th of June, 1869, and the improvement of the means of communication between England and France. I have since taken every opportunity to urge the importance of the subject upon the attention of the French authorities, and to solicit their earnest attention to the various plans for improving this communication which have been laid before them. I have always obtained a willing hearing, and in particular I have found both the late Minister of Public Works, M. Gressier, and the present Minister, the Marquis de Talhouet, fully alive to the advantage of facilitating and accelerating the communication. The difficulty of taking any practical measures on the subject appears to be greatly enhanced by the rival claims of Calais and Boulogne, and by the strenuous opposition of both to all plans for forming a new harbour."

In a later communication, dated the 29th of March, 1870, Lord Lyons wrote—

> "I have not failed to pursue the subject with the French Ministers, and to urge them to hasten the labours of the various Boards and Councils to which schemes of this kind are referred in France. Yesterday I had some conversation with Count Daru respecting this matter. He assured me that the Government of the Emperor was fully alive to the importance of improving the communication between the two countries, and most anxious to do all in its power to assist in effecting so desirable an object. It appears that the scheme which has been specially examined by the French authorities, is that put forward by Messrs. Waring, who asked permission to construct a port at Andreselles. This scheme was, it seems, made the subject of a conference between different Departments of the French Government, which resulted in a discussion in favour of its being taken into consideration. This preliminary formality having been accomplished, the scheme was, it appears, referred to a commission of inspectors. Here, however, the Minister of Marine intervened, and required that before going any further the Department of Public Works should consult a naval commission. The naval commission reported favourably, and the affair was sent back on the 22nd instant to the commission of inspectors. The Marquess de Talhouet promises to examine the scheme with all the interest it merits as soon as the report of this last commission shall have been presented to him."

The two countries were, in fact, anxious to do all in their power to facilitate the achievement of so important an object, and the House would, therefore, see that there was some prospect of a great improvement taking place. He believed that, at that very moment, there was a scheme to improve Dover Harbour, and it was based upon the supposition that something would be done for the formation of a harbour on the other side. A small sum would do all that was necessary on this side, whilst on the other side very extensive works were necessary. There appeared to be no difficulty in the way as regards money, because there was no want of enterprizing English capitalists ready at any time to back all manner of schemes if the French Government was indisposed to undertake the work itself. The only difficulty seemed was for the French Government to choose between the many rival schemes presented for its acceptance. But whatever more extensive scheme was resolved on in the future, he hoped that before long the simple remedy for improving the harbours on the French coast would be adopted, and an end be thus put to the present pressing inconvenience of small boats and generally imperfect accommodation. He trusted that, under these circumstances, the hon. Baronet would rest satisfied with having called attention to the subject, and withdraw his Motion.

SIR WILLIAM GALLWEY said, he could perfectly well understand that the opposition of the ports of Boulogne, Calais, and Dunkirk might throw difficulties in the way of the French Government in supporting the formation of a new harbour. He should, accordingly, withdraw his Motion; but he did not believe that the time spent in its discussion had been wasted, for much interesting information had been elicited, which he hoped, as time progressed, would be deemed more important by the House and the country.

Motion, by leave, *withdrawn.*

ORDER—IRREGULARITY OF MOTION. RULES AND ORDERS No. 130.

EMIGRATION.

MR. W. M. TORRENS, having a Motion on the Paper—

> "That an humble Address be presented to Her Majesty, praying that She may direct measures to be taken to provide passages to the Colonies for intending Emigrants, who shall be approved by competent authority, at cheap and uniform rates of charge,"

said, that a difficulty having been suggested in regard to the irregularity of his Motion, he wished to ask the right hon. Gentleman the Speaker, whether he was of opinion that his Motion was substantially identical with one which had been disposed of in the early part of the Session. If so, he (Mr. Torrens) would have no choice but to ask leave either to withdraw or postpone his Motion.

MR. SPEAKER: I shall be glad to explain to the House the ground on which I informed the hon. Member of the objections which exist to his Motion. There is a rule of the House that no Question may be proposed which is the same in substance as has been resolved in the affirmative or negative in the same Session. On the 1st of March of this year this Resolution was proposed—

"That, in order to arrest the increase of Pauperism, and to relieve the distressed condition of the working classes, it is expedient that measures be adopted for facilitating the Emigration of poor families to British Colonies."

The Motion to-day is—

"That an humble Address be presented to Her Majesty, praying that She may direct measures to be taken to provide passages to the Colonies for intending Emigrants, who shall be approved by competent authority, at cheap and uniform rates of charge."

Now, that is facilitating the emigration of poor families to the British Colonies. The vote of the House has decided against it; and, certainly, in obedience to the rules of the House, I must say most distinctly that, in my opinion, it would conflict with the rule which I have quoted.

EAST INDIA (COUNCIL OF STATE).

RESOLUTION.

MR. GRAVES, in rising to call attention to the constitution of the Council of State for India, and to move—

"That, in the opinion of this House, it is desirable that the Council of State for India should embrace among its members persons practically conversant with the trade and commerce of India,"

said, that towards the close of last Session a Bill was introduced into that House by Her Majesty's Government for the purpose of transferring the selection of members of the Council for India to the Secretary of State, and also for limiting the term of years to 10. He took the opportunity then of bringing forward an Amendment, with a view of raising a question, which was regarded by the country with some considerable interest, whether it would not be possible to throw into the Council an infusion of the mercantile mind? Unfortunately, that Bill was brought forward—like all measures relating to Indian affairs—towards the very close of the Session, when the House was remarkable only for empty Benches; and he accordingly determined not to bring forward his Motion under such circumstances, but to postpone it to the present Session. He knew what difficulties lay in the path of private Members in bringing forward Motions of this kind, and was also conscious that the House greatly disliked proposals which had the appearance of being vague; but he hoped to make it clear that his Motion had a definite object, and also to exhibit clearly the point at which he aimed. The question was one of that class which could best be dealt with when there was no pressure of absolute necessity, and when the discussion could be divested of anything like personal considerations. He would abstain from throwing the slightest discredit upon the Government of India. He would endeavour to prove his case rather on the merits of his proposal than by attacking the prestige of the Government. There were, however, some persons who thought the policy of that Government had been feeble, weak, and over cautious; but it must not be forgotten that it had produced great results, and, judged by those results, he for one was willing to admit the Government of the Empire of India to have been successful. Looking at the constitution of the Council itself, he had still less reason for any personal remarks, for no one could appreciate more highly than he did the zeal and ability with which the members of the Council had fulfilled their trust. They were, however, drawn from too limited and too professional a class, for he found that of their number nine had served, and with distinction, in the civil service, three upon the Bench, and three in the military service. No doubt, they were all rich in Indian departmental experience, though some possibly would say that it was of rather antiquated date; but they all were lacking in that which he considered essential to a good Council of India—a thorough practical knowledge of trade and its requirements, both as regarded India and England. Those who knew India best would agree with him in the assertion that trade was the genius of India; that on its development depended mainly her prosperity; and that there was no better way of winning the confidence of the people in that portion of our Empire than by introducing into the constitution of the Council those who, by their habits of life, training, and avocations would be considered as representatives of that trade which occupied their thoughts, and was the aim and object of their very existence. No one who knew India could fail to be struck with the remarkable aptitude shown by the intelligent portion of that Empire for trade; the highest aim of every Brahmin boy was to acquire that aptitude, and we all knew what keen competitors the Parsees were in the highest walks of commerce with our mercantile houses. Was it, then, wise; was it even politic to ignore so completely as we had done the existence of this trade in the constitution of the Council? He could conceive no higher or better policy than that of showing to those persons, whose daily thoughts were filled with trade, that we sympathized with them in their exertions, and felt desirous of promoting the commercial and industrial interests of India by every means in our power. He was far from entertaining the opinion that, in the administration of India, the interests of commerce or trade had been entirely neglected. He did not believe they had; but he felt he was justified in stating that they had not received that attention which their vast importance demanded. The inner life of the Council of India appeared to be divided into six departments—politics, military administration, the judicial system, finance, revenue, and public works—each worked under a separate and distinct Committee; but he could find no department for commerce, and which of those departments were charged with the direction of trade and commerce he was unable to ascertain. He was afraid that the old adage—"What's everybody's business is nobody's" came true in reference to the interest taken in trade and its requirements by the members of the Council, and that, though all felt an interest in it, there were none directly responsible to the Secretary of State for originating or controlling schemes for the development of trade. The policy which he was then advocating was not a new one. It was brought under the consideration of the House in 1857 by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), when he introduced a Bill for giving a new constitution to the India Board. That right hon. Gentleman proposed that there should be five members representing the five great centres of industry in this country. That proposition was met by various objections, and it was ultimately abandoned, partly, he believed, in consequence of the difficulty of finding a suitable franchise. But it was more especially objected to because it was said to be inconsistent with our policy to sanction popular election for executive offices. More recently the noble Lord (the Marquess of Salisbury), who was removed last year to the Upper House, and who had presided with so much ability over the Council of India as to ensure for his opinions on the subject the greatest consideration, thus explained his views to the Manchester Chamber of Commerce—

> "To fulfil the part which devolves on you to protect the interest of India, it seems to me that you ought to have something more than merely a representation in the House of Commons. . . . . I am not questioning—for the present at least—the wisdom of that arrangement which was deliberately adopted some ten years ago; still less am I venturing to throw the slightest doubt upon the earnestness and diligence and patriotism of the gentlemen who constitute the Indian Council. They are very eminent, they are very able, they are very hard-working men, and I am sure they do their duty as earnestly as any servants of Her Majesty; but I think that, considering the enormous powers that Council possesses, it is a pity that its constitution is not more largely tinged with the mercantile element than it is. Do not understand me to say that the Council, as at present constituted, wilfully or consciously neglects the interests of merchants, but you know perfectly well that nobody can look after interests of which he, by his own training, knows nothing. The eminent lawyer, the eminent engineer, the brave general, the distinguished statesmen who constitute that Council—for all those characters are fully represented—have not that minute and detailed knowledge of the wants of the commercial community which nothing but a mercantile training can afford."

Here they had the experience of the highest authority—one who had himself felt the want of that special assistance at the Council which mercantile training alone could give; and it was not to be wondered at that those views had been adopted by nearly all the Chambers of Commerce throughout the country, and the Petitions which had been presented to the House abundantly proved how strong was the conviction in the public mind that a reform was necessary. The Huddersfield Chamber prayed that one-third of the Council should consist of gentlemen who were fully conversant with the requirements of British trade, and able to advise the Government upon all questions relating to the development of commerce with India and the East. The Wakefield Chamber asked that one-third of the Council might be men unconnected with the services of India, and having a practical knowledge of the manufacturing and commercial affairs of the United Kingdom. The Leeds Chamber desired that one-third of the Council should be men of mercantile knowledge and experience; and the

Bristol Chamber petitioned for the appointment of a Committee or Department of Commerce and Agriculture, with a view to improve the commercial relations between India and this country. The Glasgow Chamber submitted that there should be in the Council persons of experience in trade, who could aid the deliberation of questions affecting the commerce of England and India; and the Liverpool Chamber suggested that a portion of the Council should be men who were capable of advising on all matters connected with the industry of the United Kingdom and the Asiatic portion of the Empire. He might add Manchester to the list, for a Petition in favour of his views had that night been presented to the House; but he hoped that the hon. Members for that great city would tell the House themselves what the opinions of their constituents were upon the subject. In reply to these representations the hon. Gentleman who now so well represented in this House the Government of India (Mr. Grant Duff) would probably remind the House that the progress of that country had been great; and he would, perhaps, point to the fact that it amounted to £100,000,000, and suggest that that ought to satisfy the country. He (Mr. Graves) admitted the increase, but he was not satisfied. England had not been content many years ago with a trade of £200,000,000, and was not now with one of £500,000,000; in addition to which, he was persuaded that the trade of India was only in its infancy, and that if her energy and vigour were properly directed by judicious public works, increased railways and railway facilities, greater encouragement to the growth of cotton, the production of silk, and the improved cultivation of the land, we should see an amount of trade spring up in India which we had little idea of at that moment. The exports of India might be almost as unlimited as were the requirements not only of England, but also of Europe; for that communication with the East which had been recently given by the opening of the Suez Canal could not fail to send European traders and their capital to the East. Whatever might be the effect of that canal on the trade of England, however it might divert the stream of commerce from existing channels into new and competing ones through Southern Europe, he had no doubt but that the effect upon the trade of India would be to stimulate and increase it to an enormous extent, provided that there were minds in the Council capable of directing this new stream of commerce into new and profitable channels. Look at the imports of India; they were in their infancy. The cotton goods used only amounted to 2*s.* 2*d.* per head of a cotton-wearing population; whereas in a neighbouring Colony, peopled by a very similar race, they amounted to a sum equal to an average of 10*s.* per head. There was no other Colony in which the amount was under £2, while France—a country which overflowed with all the necessaries of life—took from England an amount of goods equal to 15*s.* per head of her whole population. He therefore thought himself justified in stating that looking to the extent of India, to its cheap labour, its soil, its climate, and the aptitude of its people for trade, if fair encouragement were given to its promotion, a commerce would spring up which would be of the utmost value not only to India, but England. It would probably be urged that there was no statutory objection to the selection of a mercantile man, so long as he had resided in India, and that the Government had now the power he sought to compel them to exercise. That, he believed, was so, and it was because it was so completely ignored he desired to bring the opinion of this House to bear. He did not himself place much stress on the necessity for possessing Indian experience. He wished for general mercantile knowledge wherever gained, and it was a curious fact that the ablest rulers they had sent to India were men of no previous Indian experience. Look at Lord Canning, Lord Dalhousie, and he might add the present Governor General. Had they not distinguished their rule, and yet they never had been in India till entrusted with the reins of power? It was just possible they might go too far in one groove; and he thought that it was desirable to look on Indian affairs not in a military, or civil-servant, or judicial point of view, but from the more comprehensive view of every-day life, and experience of the present day rather than that of past years. He could not believe it was supposed by Her Majesty's Government there was anything in trade or the pursuit of trade which deadened the intellect or prevented men from taking part in the administration of even the largest affairs of government, and if such arguments were used by any Member of the present Administration he felt certain they would not be shared in by the Prime Minister; because he had selected for the Cabinet, and in other Departments of the Government, gentlemen connected with the pursuits of trade, whose appointments would not be questioned on either side of the House. He therefore simply asked for the extension to India of that policy which had been found to work so beneficially for this country. The strongest objection which could be urged to the appointment of commercial men was, in his opinion, the difficulty there might be in obtaining men possessing the high qualifications necessary for the discharge of the duties. He did not think an income of £1,200 per annum sufficient to tempt men to leave their counting-houses or their ease to undertake the important and onerous duties of such an office; but if the office were made a more distinctive and honorary one, he believed men would be found who had resided in India and were perfectly conversant with trade, willing to undertake a work which, in his opinion, was superior in usefulness to any that could be offered to the ambition of man. The noble Duke who now so ably presided over the Department (the Duke of Argyll) was not likely to question the suitability of men engaged in trade for a seat in the Indian Council; he had given strong personal proofs of his appreciation of trade, and he believed it would be found that no future Secretary of State for India would hesitate to avail himself of the services of men who, by their energy of character, their trained business habits, and their sound practical knowledge—one of the highest qualifications for any office—had won a reputation in the world of commerce, and had shown themselves able to do justice to any interests, whether Indian or European. In conclusion, he hoped that his Motion would not be met by the Government in any spirit of hostility; but that it would be received in the spirit in which it was offered. He had carefully and studiously worded it, so that by its moderation it might disarm hostility. All he asked was for the House to affirm the principle that it was desirable that some members of the Indian Council should be persons conversant with trade, and he trusted that such a Motion would not be regarded by the Government as in any way dictating to them, or fettering their discretion in the selection of the Council. The Resolution affirmed a principle which he hoped would be acceptable to Members on both sides of the House, especially those representing commercial constituencies. The hon. Gentleman concluded by moving his Resolution.

MR. JACOB BRIGHT seconded the Motion.

Motion made, and Question proposed,

> "That, in the opinion of this House, it is desirable that the Council of State for India should embrace amongst its members persons practically conversant with the trade and commerce of India."—(*Mr. Graves.*)

MR. CRAWFORD said, he entirely concurred with the hon. Member for Liverpool in the importance which he had assigned to the commercial connection of this country with India, and that those who were interested in the government of India should on all occasions recognize that importance; but to adopt the Motion of the hon. Member would render it necessary to alter the construction of the Council in many particulars. At present, no one could be a Member of the Council without he had first resided in India, and possessed a practical knowledge of that country; and in fact the Motion, at first sight, would point to the introduction into the Council of men only who had acquired a mercantile experience in India. There were many reasons why that could not be carried out. Of those who went to India for commercial purposes, those who did not succeed would not probably be good representatives of commerce, and those who returned home with fortunes would prefer, if they desired to take part in public affairs, to enter this House. There was not, in the position of a member of the Indian Council, the attraction which would induce persons to dedicate themselves to the service of India there. His hon. Friend would, perhaps, seek to enlarge the field of selection, and no doubt the Indian Council would be better if it comprised men of commercial experience. There was no indifference in the Council to the representations made on commercial subjects. What was wanted were originating minds—men who would enforce on the attention of others those subjects in connection with India to which the people of England attached so much importance. He had no wish to place the slightest difficulty in the way of the hon. Member's Motion; but, looking at it from the point of view that the Motion was inconsistent with the present state of the law, he hoped his hon. Friend would consider he had done good service in having ventilated the question, and not press the House to a Division upon the subject. If the law were so altered as to admit of the admission to the Council of gentlemen of commercial experience in this country, he was sure that there were men who might gain great distinction and confer great benefit upon India if they were members of the Council. But it was within his knowledge that these offices had been offered to and declined by more than one gentleman among his acquaintance. The duties of a member of the Indian Council were not light; and so jealous was Parliament of the manner in which they might be exercised, that it did not allow anyone who filled the office to sit in that House. He was one of those who thought that provision unwise, and he would wish to see it altered; for, if that were done, there might be opened a wider field of selection. He should be glad to see the object which the Resolution of his hon. Friend had in view carried into effect.

MR. EASTWICK said, there were strong reasons for bringing before the House the Resolution which the hon. Member for Liverpool (Mr. Graves) had moved. Our Empire in India had been founded by a commercial community, and our interest in that country had been for two centuries purely commercial. But at the end of nearly two centuries there supervened a time when that interest was subordinated to our political necessities. But when that period terminated and the great Indian Mutiny was ended, there was a general recognition of opinion that our Indian Empire had reached its limits, and that the time had come when we should adjust the finances of India, and employ them in such a way as to develop its resources and commerce. Our political anxieties being at an end, our commercial interests came again to the front. At that period the principle was recognized that the commercial element should be introduced into the Government of India, not only in India itself, but in this country. In India that principle had been carried out in practice, and there were men of commercial eminence now sitting in the Council at Calcutta. In this country the principle was recognized in the Bill which transferred the government of India from the Court of Directors to the Crown, but it was not carried out. Successive Secretaries of State had recognized the principle, and Lord Halifax looked about some time in the anxious hope that he would be able to replace Sir Charles Mills with a commercial man of eminence, and since then he had no doubt the present Government had been anxious to recognize the principle. The principle being conceded they were met, however, with serious difficulties, and the first was to find gentlemen with proper qualifications. When the East India Company was in existence the fact that some of the directors were connected with commercial firms had led to great scandals and sometimes to postponement of the public to private interests. But then they must look for men not only of great commercial experience, but also of statesmanlike views; and such men, when found, would probably be unwilling to accept the respectable, but not very distinguished, post of a member of the Council of India. No doubt many valuable men might be found in that House; but they were precluded from the office by the India Act. There were strong reasons alleged for the exclusion when the Act passed; but he was one of those who thought it was an unfortunate circumstance. It was said that party conflicts might arise in that House between the Councillors and the Secretary of State for India, which would perhaps more than counterbalance the advantages to be derived from the light they could throw on Indian matters. It was also a mistake to insert the provision that the members of the Council should be appointed for life, because by so doing the vacancies were considerably reduced, thereby shutting out the very important object Lord Palmerston had in view, when he endeavoured to restrict the period to eight years, in order that successive Administrations might have the means of renewing the Council from time to time with persons returned from India with fresh knowledge and ideas. Of the 15 members of the Council there was only one who possessed recent Indian experience. On the other hand, there were gentlemen, no doubt very eminent in their time, but who retired from the service 20, 30, or 40 years ago. There was great difficulty in getting a vacancy, and when it did occur they could not fill it up with a commercial man. For instance, there was a financial department, but there was only one solitary financial member. If there should be a vacancy in that department, it must be filled by another financial man. Then, in the Department of Public Works they had only got one member, whereas two were manifestly required—one with a knowledge of canals, and the other with a knowledge of railways and other public works. The military department was now represented by a military man, but two were required—one with experience of the European, the other of the Native Army. If a vacancy occurred there it would have again to be filled up by the appointment of a military man. The judicial department required two representatives—one with a knowledge of English law; the other educated in the Civil Service of India, with some acquaintance with the practice of Indian Courts. In the revenue department there ought to be at least four members—one for Bengal, another for Bombay, another for Madras, and a fourth for the Panjáb. The financial knowledge of any one man ought not to be required to extend beyond one of these great provinces. In the political department two persons were wanted—one with a knowledge of Persia and Affghanistan, another acquainted with the Native States on the Eastern frontier; but they had only one. In the sanitary department there ought to be a medical man, who should be able to advise the Council on the location and health of the troops, on drainage, and all that related to that department. Even if vacancies were to occur, in 14 cases they could not fill them up with commercial men. There was but one place left, and in that no doubt they could put a commercial man, if they could get a gentleman of eminence to accept the post; but the chances were very much against it. Having got over the difficulties of finding proper men, and creating vacancies, another difficulty presented itself, as to what functions the commercial men should discharge. They would be able to give useful advice on matters of commerce and trade; but in order to solve the great question of Indian finance they must have a practised financier. The accounts must be divided into two great branches—the home and the Indian accounts, and the Indian accounts must be managed in India. There remained the home accounts, and here such a member might be of use; but the greatest part of these accounts were stereotyped, and there was not more than £250,000 in which a change could be effected. No doubt commercial members of Council would be able to make many valuable suggestions as regards trade; but in order to see what could be effected in this direction, it would be as well to see what had already been done. Since 1857 the commerce of India had risen from £54,000,000 to £103,813,000, which was an increase enough to satisfy the most inordinate craving. With regard to cotton, in 1857 the commerce of India amounted to only £1,500,000; in 1866, it had risen to £35,500,000. He recollected when he was in India the ryots in Bombay were in the greatest distress; but, owing to the flourishing state of the cotton cultivation, these people were now in the most comfortable position possible. Then as to opium. There was a revenue of between £7,000,000 and £8,000,000 derived from that source; and not only that, but the cultivation of opium placed about 1,000,000 of the inhabitants in India in a far more comfortable position than any other portion of the inhabitants of that great country. In the first place, it had been observed that those who were engaged in the manufacture of opium were less exposed to disease than other persons. In the next place, the cultivators could never experience the distress from which others of the working classes suffered. They could never want funds for their industry, because money was always advanced to them by the Government; and they could never be sold up, because in case of any loss arising from weather or other causes the advances were wiped off at once as bad debts. The trade in opium was created entirely by our Government, and so was that in indigo; but the cultivation of indigo, unlike that of opium, was not popular with the ryots. There was also the China grass, the fibre of which was sent to this country for manufacture, and the Indian Government had offered £5,000 to any person who would invent a machine for removing the fibre, an operation which had as yet to be performed by the hand. When this invention was discovered, the commerce in China grass would doubtless considerably increase, and so benefit the finances of India. In reply to the objection that the extension of our trade with India might imply attention to English rather than Indian interests, he contended that, if India suffered in any one direction, she would be sure to gain a compensatory advantage in another. Thus if England had destroyed the muslins of Dacca, she had in return given India the Cinchona tree and the Tea tree, and had developed a commerce in jute the value of which already amounted to more than £1,000,000. A Minister of Commerce should be appointed in order to promote the full operation of these benefits, and to take a general survey over all the commercial interests of the country. Nothing could at present exceed the zeal shown by the Indian Government in encouraging all useful manufactures; and in proof of that he referred to the beautifully arranged museum at the India Office, and the 700 specimens of Indian fabrics prepared and distributed in this country under the superintendence of Mr. Forbes Watson. Whatever zeal could do had been done by the Government of India. At the same time, there was a lack in the constitution of the Council, which required a member who could bring his experience of the commerce of this country into useful operation for the benefit of the whole British Empire. He cordially supported the Motion, and hoped the Government would offer no opposition to it.

SIR THOMAS BAZLEY concurred in the belief that a change was needed in the Indian Council, and largely agreed with the hon. Member for Liverpool (Mr. Graves); but he took a different view of the question from that which the hon. Member had placed before the House. The hon. Member regarded the London Council as the governing power of India; but many eminent statesmen had placed upon record their opinion that India must be governed in India. It was not possible for any men, however able and eminent, to govern India in England. When Lord Stanley, the present Earl of Derby, carried his measure for the suppression of the East India Company, and established an Imperial Government, he put forward a proclamation which did honour to his statesmanship, and since that time there had been a marvellous development of enlightened principles in the government of India. The Indian Council, as the hon. Member for Liverpool had shown, consisted of men of eminence and ability, who were faithfully performing their duties; and, for his part, he might add that, having occasion frequently to visit the India House in this city, he had always found every one connected with the Department quite ready to receive any suggestions which were calculated to promote the prosperity of commerce in India and in Great Britain; and the late Government sent out a Governor General, who proclaimed the most enlightened principles, and had laboured manfully to carry them out. In all these things he saw the promise of a great future for India. Although he approved of the object of the Motion, he thought it ought not to be brought forward at this moment, when Her Majesty's Government were engaged in considering matters urgently connected with the immediate prosperity of the Empire. Very great changes were needed in India. There had been a degree of supineness in past times which should be removed. He must express his regret that there were so many military officers employed in civil duties in India, and if commercial men could be substituted the change would give a great impulse to beneficial government. We further required a Minister of Commerce and Agriculture in India; and he was glad to believe that such a Minister would be immediately called into existence in India, for the resources of India must be developed in India. Looking back to what had taken place during the time the Imperial Government had ruled, he found that India had made great progress. The length of the railways had risen from 300 miles in 1858 to 4,000 miles in 1868; but if it were remembered that there were 40,000 miles of railway in the United States, it would be seen how much remained to be done in India. With improved agriculture, he believed there would be an immense increase in the yield of the soil of India; and to show its capacity in this respect, he referred to its export of cotton to England, which rose from 132,000,000 pounds weight in 1858 to

434,000,000 pounds in 1868; but again, to show that it did not maintain its hold upon this country against America, he cited our imports from the United States, which in 1858 were 833,000,000 pounds (against 132,000,000 pounds from India), which fell very low during the American War—the quantity being only about 61,000,000 pounds—and which, in 1868, had risen again to 574,000,000 pounds (against 434,000,000 pounds from India). He was anxious that the great industry of this country should not depend entirely upon one source of supply, and that the great British territory of India should have the lion's share. In 1858 the imported products of India amounted to £15,000,000, while in 1868 the value had increased to £30,000,000. Railways were still needed, and irrigation, and, above all, agricultural improvements. He begged to express a hope that at no distant day commercial men would be taken into the Indian Council in such a proportion as would make their commercial knowlege practically useful. He was sure they would be found as honourable as any men who could be chosen for the position from any other class. He trusted that the speech of the Under Secretary would make it unnecessary for his hon. Friend (Mr. Graves) to divide on this Motion.

Mr. GRANT DUFF agreed to a great extent with what had been said by the hon. Gentleman and others who had supported this Motion. He thought it most desirable that in the Council of specialists which assisted the Secretary of State for India in governing that vast country, full of diverse and even opposing interests, there should be one or more persons whose first duty it should be to keep his or their eyes always fixed on the bearing of every proposal upon the commercial development of India. And he thought it extremely important that this commercial member, or these commercial members of Council should be men quite as efficient for their own particular work as the best of their colleagues were for theirs. They should be, if possible, men who were thoroughly acquainted both with the capitalists and the wants of India, and if that was impossible they should at least be men having a good general acquaintance with the commercial movement of the world, as well as a grasp of economic science. They should, in fact, be not only merchants but statesmen. No one could, he was sure, be more impressed than his noble Friend the present Secretary of State for India with the great advantage he would derive from the assistance of one or more such men. The development of Indian commerce was a matter of interest not only to India, not only to Great Britain, but to the world. It must not be forgotten, however, that the first condition of the development of Indian commerce was the continued maintenance there of British power, and the first condition of the maintenance of British power was good government. It followed from this that the primary duty of the Secretary of State in framing his Council was to look out for men who could assist him in so governing our Eastern Empire that we might keep it for the advantage of its people, of our people, and of mankind. Let the House forget for the moment that the Indian Council was an existing institution, dating from the year 1858, in which all the Members now sitting held their seats for life, and in which vacancies very rarely occurred; let them suppose that the Secretary of State were framing his Council *de novo,* had not to consider by whom the vacancy he had to fill up was made—what were the sort of men that he would have to choose? First, he supposed the Minister would remember that he ruled a great Empire in another quarter of the globe which had relations with many principalities and powers outside its own borders, the mismanagement of which might at any time cause vast expense not only to India but to England, and he would secure the assistance of statesmen who had a good general acquaintance with the affairs of Asia. Next, he would recollect that scattered through our own territories were an immense number of feudatory princes, many of whom had very little power, but of whom one ruled a territory larger than Great Britain, a second a territory larger than England, a third a territory as large as Scotland; and with all of whom we had treaties and more or less complicated relations. He would, then, certainly look out for one or more men versed in the diplomatic lore of India. Next, he supposed the Minister would reflect that even the wisest counsel could not always maintain peace, either without the frontier or within it, in a region of the Earth inhabited by so many warlike races, and he would take good care to have well represented on his Council both the men who understood the Native troops and the men who understood those European troops, who, in hours of appeal, must ever be our *ultima ratio*. Next, he would reflect on the enormous diversity of race and circumstance in different parts of India, and take care that he had some one to advise him as to the special local circumstances of at least the more difficult provinces. Next, he would remember that the past of our own rule in India had created centrifugal as well as centripetal forces in that country, and that the Government of India and the great subordinate Governments of Madras and Bombay did not invariably work together quite as smoothly as might be desired. Without giving too much weight to this fact, he would not, if he were wise, entirely ignore it. Then he would remember that the Indian Budget was the fifth greatest in the world, and that the financial department in India required closer superintendence from home than any other. It would not escape his recollection that we were carrying on public works to an extent to which no Government ever carried them on before, and he would not allow himself to be entirely without good engineering advice. Then he would remember that our collectors managed the largest property in the universe, property which brought in a land revenue of £20,000,000 a year, and he would arrange to have by his side some persons to whom he might turn for assistance on questions of land tenure, agriculture, forests, fisheries, and the like. Next, he would reflect that we were trying and partially succeeding in our endeavour to make India as law-abiding as England, and he would certainly not omit to place on his Council some representatives of that vast judicial network which now covered the whole peninsula. He passed over a number of minor interests which should be more or less represented on the Indian Council, if there was to be an Indian Council at all. He cared only to put forward the great paramount interests which he had enumerated, and he asserted that the mere enumeration of these great paramount interests was quite sufficient to dispose of the exaggerated demands that were made by some persons out-of-doors for commercial representatives among the 15 members of the Indian Council. Commerce had just claims to a representation on the Indian Council, but they might be easily overstated; for, after all, was not the best thing that the Indian Government, or any other Government, could do for commerce, first to set it free, and then to leave it alone; and did we want commercial men on the Council to keep that elementary truth before the mind of the Secretary of State? The fluctuations of opinion upon the subject of the commercial element in Indian government had been extremely curious. For many a long day the cry—partly just and partly unjust—was that India was governed on selfish mercantile principles by an association of London traders. That cry eventually prevailed—rightly prevailed — and the great company ceased to exist as a political institution. But now the wheel had come full circle, and if we were to follow the advice, he did not say of his hon. Friend opposite, but of the extreme advocates of the view which he supported, India was once more to be governed in the interests not of its inhabitants, but of English trade. The only difference was to be that the interests of Lancashire were to take the place of those of the City. But to return to the suggested mercantile Councillors. To be of the smallest use our mercantile Councillors must be men of real mark and ability; and in this country, where all commercial aptitude brought such golden returns, he did not quite see how it would pay a commercial man to leave his sweetness and his good fruit and go to be promoted over the trees at £1,200 per annum; more especially as he would find that being promoted over the trees meant one of two things—either throwing a disproportionate amount of work on his colleagues, or doing a great deal himself; and of this work nine-tenths would have nothing in the world to do with commerce. It could not be too often repeated that the Indian Council was not an initiating body—it was a revising body; and the mercantile Councillor would find exercise for his special gifts and graces only when the Secretary of State or the authorities in India put forward some mercantile question. The Indian Council did not make work for itself; it did the work that was made for it. Further, he ought to remind the House that our mercantile Councillors, if they were men who had had some experience of Indian trade, must have absolutely severed their connection with it; because, if not, though they might unite the virtues of Noah, Daniel, and Job, their motives would most assuredly be misrepresented in India; and their presence would be a source not of strength, but of weakness to the controlling Government. He pointed out those things not in the least as opposing the admission of mercantile members. Who would be so absurd as to say that several men of the stamp of Mr. Cobden would not be a most valuable addition to the Indian Council? He only pointed them out for the purpose of showing that the difficulties of the question did not end, but only began, when it was agreed that the presence of one or more mercantile members in the Indian Council would be highly desirable. He came now to the question whether, since all parties were agreed as to the advantage that would accrue from the presence of one or two commercial statesmen among the advisers of the Secretary of State, if only they could be got, it was desirable that a Resolution to that effect should be put upon the Journals of the House. He very much doubted it. A Resolution of that House was a serious matter. It should not embody a mere truism. It should be the end of strife, the close of a long discussion—not a proposition to which every reasonable man might say —"Of course, and what then?" He objected—if there was not a very good reason for it, to do anything to relieve the Secretary of State for India of any responsibility which he now had. The whole course of our legislation since the beginning of the Session of 1858 had been to increase the responsibility of the Secretary of State. There were some who thought that he had still too little responsibility, and only last year the House decided to increase his responsibility by taking away from the Indian Council the right to elect a portion of its own body. Surely, then, it would be very inconsistent now to pass a solemn Resolution that the Secretary of State should exercise his power in a particular way. If that were done, might not a Secretary of State, instead of making the appointment which he in his conscience believed to be best for his country, turn round and say—"'I know that I ought to have appointed such an one, for it is precisely the kind of knowledge which he possesses that is most needed in my Council at this moment; but I am bound to respect the Resolution of the House of Commons, and I must appoint a commercial man." It seemed to him that it would be wise to be satisfied with the general expression of opinion which they had had; for, after all, it must not be forgotten that, even if there were as many commercial members in the Indian Council as anyone had ever proposed, it was to Parliament—and above all to that House—that the commercial interests of this country would look to see that they were properly kept in view by Her Majesty's Indian Government. On the Indian Council the commercial interests could exert no pressure whatever; but on the Secretary of State they could exert the greatest possible pressure. The representatives of those interests had only to come down to that House and put the India Office on its defence for any act of omission or commission, and they might depend upon it they would have incomparably more influence than by having any number of persons supposed specially to sympathize with them in the Indian Council. If anything was done that should not be done, or not done which should be done, the House of Commons was the place to point it out. If the India Office was right the House would agree with it, and if its assailants were right it would agree with them. In this commercial age, and in this commercial country, the Secretary of State should have the interest of commerce at heart—as much at heart as any commercial member of Council could possibly have. Had he not got those interests at heart? Enough had transpired in the debate to show that the well-informed commercial interests of this country knew perfectly well that there was no one reasonable thing which they had recently asked, or could ask, from the India Office, under either a Conservative or a Liberal Government, which had not, or would not be, immediately granted. There was no shadow of difference in that respect between the policy of the right hon. Gentleman the Member for North Devon (Sir Stafford Northcote)—whose absence he much regretted—and the policy of his noble Friend the present Secretary of

State. He had only to add the expression of a hope that, after having heard the views of the Government on the subject, his hon. Friend opposite would not think it necessary to press his Motion to a Division.

Mr. MUNTZ said, he had been in hopes that after the lucid speech and the able arguments of the hon. Member for Liverpool (Mr. Graves), Government would have thrown no obstacles in the way of the Resolution being passed. If, indeed, he had any doubt as to the expediency of going to a Division on the question, the speech of the hon. Gentleman who had just sat down would have convinced him that it was right to do so. He had stated that the Indian Council was composed of the ablest men, and that, no doubt, was the fact; but it nevertheless remained true that it was desirable there should be among its members a representative of the interests of commerce. The Government of India naturally divided itself into two aspects—the commercial and the political; and it was extremely difficult to separate them. It was, at all events, quite clear that we could not continue to hold our Indian Empire for another quarter of a century entirely by the sword. Had we attended to irrigation and to the great land question, or, in short, had we done anything to ameliorate the condition of the Indian people? On the contrary, we had increased the duty on the essential commodity of salt, and added 3 per cent to the income tax, which was regarded with the greatest horror, not only by the Natives, but also by the British population of India, and the result of it all was that the Army had to be reduced to 61,000, which was insufficient for the defence and good government of that dependency. All this surely tended to show that some new element was necessary in the Indian Council. Even if, as the hon. Gentleman the Under Secretary had stated, the Council was merely a controlling power, an infusion of new blood into it would be of the utmost importance. India contained 195,000,000 of people who were apt, clever, highly gifted, and not specially lazy, and yet they were about the poorest people on the face of the earth, and that too in the face of the fact that their soil was one of the richest and most productive in the world. There must be some reason for this, and in his opinion it was to be found in the fact of our bad commercial relations with that country. If the land were improved by irrigation and otherwise, we might double or treble our imports from India. Not long ago an American gentleman and a Parsee, wishing to reclaim a large district of uncultivated country, applied to the Indian Government for permission to repair a tank which was within 200 yards of the land, but no answer had been returned to the application. That was the paternal conduct of the Government in such matters. He was sorry to hear the Under Secretary sneer at Lancashire for having made this a local question. In reality, however, it was not a Lancashire, but a British question, as it interested everyone who was anxious for the welfare of Great Britain.

Mr. GRANT DUFF explained that he did not sneer at Lancashire. What he said was that some foolish persons acted in a manner which would lead one to suppose they thought the Government of India ought to be carried on for the benefit of Lancashire.

Mr. MUNTZ said, he had misunderstood the hon. Gentleman, and proceeded to point out that by the development of industry in India, and particularly by encouraging the growth of cotton, we might create such a demand for our manufactures as would meet the requirements of the times. The vast population of India were able and willing to produce almost everything which the climate would allow if we would only assist them, and they would be thankful to take our manufactured goods in exchange. An infusion of the commercial element into the Indian Council would, in his judgment, be productive of very great advantages, and therefore he should support the Motion of the hon. Member for Liverpool, who, he hoped, would take the opinion of the House upon it.

Mr. GRAHAM sympathized with his hon. Friend's Motion, and had anticipated that it would have been met in a more friendly spirit by the Under Secretary of State for India. Indeed, he had hoped that the hon. Gentleman would respond in such a manner as to render it unnecessary to press the Motion further. Speaking from an extensive experience of India, he declared his belief that nothing would so much strengthen the confidence of the Natives in the

Council as the introduction into it of the commercial element. Those with whom the Natives had most sympathy were the mercantile classes, and the more broad our commercial relationships were made, the more firmly would our Empire in that country be established. The increase in the cotton cultivation of India had been effected chiefly through the agency of commercial men, and not through the instrumentality of the Indian Government. These were reasons for accepting the Resolution. It had, however, been alleged that fit men could not be found among the retired merchants who were prepared to occupy seats at the Council; but surely our duty was to make the office sufficiently important to attract men of the very highest stamp. Further, it was urged that the Council was already too full, owing to its containing a number of men who had a life interest in the appointment. For the sake of so important an object as they had in view, it ought not to be very difficult to provide a sufficient inducement to some of the older members of the Indian Council to retire. As to the objection that there would be nothing in particular for commercial members to do when admitted to the Council, there was not a single question of Indian commerce that was not of most vital importance in connection with all the other departments, whether of finance, of public works, or even the military branch itself, because as long as the commercial affairs of India were in a satisfactory state, their military power was not likely to be called into action. He should like to see a Secretary of State for Education in India; and at any rate men who had a knowledge of business would afford valuable assistance to the Council. He regretted that the proposal had not been more cordially met by the Government. In conclusion, if the hon. Member for Liverpool insisted on dividing, he would go into the Lobby with him; but he would suggest that the hon. Gentleman should for the present be content with the amount of sympathy which his Motion had elicited.

SIR CHARLES WINGFIELD said, he was glad to find the attention of the commercial community was being directed to the affairs of India in the manner which had been illustrated by the debate, for that country could not but benefit by consideration of this kind. He thought the introduction into the Indian Council of gentlemen unconnected with the public services would dispel the erroneous impression which had taken possession of many minds that either the Home or the Indian Government had always been opposed to or had neglected the development of, the resources of India, and had discouraged the efforts of European enterprize when directed to that end. There was not a single undertaking now flourishing in India of which the Government of that country had not been the pioneer. For instance—steam navigation, postal travelling, transport of goods, and tea cultivation, had all been promoted by the Government, which had retired when private enterprize appeared in the field; and even the railways were not to be excluded from the list, because the Government 5 per cent guarantee found the money for their construction. The presence of commercial men in the Indian Council, and the responsibility they would thus incur for the due management of the Indian revenues, would strengthen the hands of the Secretary of State and make it more easy for him to resist the pressure sometimes brought to bear upon him by bodies in this country to sanction chimerical projects, such as the railway to Rangoon and Western China, or inconsiderate and hasty outlays upon public works. If, however, the commercial element were to be largely infused into the Council, it would be necessary to increase the number of the members, for the duties connected with controlling the government of 150,000,000 of people, and the conduct of our relations with the Native rulers of 50,000,000 more, were enormous; and he doubted whether commercial gentlemen of the qualifications and standing which it was desirable to secure would be found ready to give up their own lucrative pursuits in order to accept an office the remuneration attached to which was so paltry. The proposal to attach some honorary rank or distinction to the office was open to various objections, one of the most obvious of which was that the value of the honours would be diminished by making them follow from the mere tenure of office instead of being treated as the rewards of distinguished service in office—the principle on which they had hitherto been bestowed. The results he anticipated from the adoption of the hon. Member for Liverpool's Motion were rather of a negative character. He did not believe it would alter the principles on which the Government of India was conducted, nor did he think any alteration of those principles was required; but it would satisfy the wish expressed by an important class and tend to a better appreciation of the value of the Council. He thought the suggestion of the hon. Member for Manchester (Sir Thomas Bazley) for the creation of a special department in the Government of India of Trade, Commerce, and Agriculture, presided over by a gentleman appointed in England, was far better than the proposal of the hon. Member for Liverpool; and the experience of the working of the special departments of legislation and finance in India had been satisfactory.

MR. GLADSTONE: I would presume to say, with reference to some remarks which have been made upon the speech of my hon. Friend the Under Secretary for India, that I think these comments were made upon an insufficient recollection of one of the most important sentences in that speech. My hon. Friend began by expressing his concurrence, to a very great extent, with the general tenour of the opinions advanced by previous speakers, and then went on to state the qualifications which he attached to that concurrence. It seems to me the effect of that has been that the qualifications were remembered while the very considerable amount of concurrence, expressed by my hon. Friend in the first instance, was forgotten by some of those who had heard him. I do not think that such a discouraging view should be taken of the manner in which my hon. Friend took up the question, and I cannot but think that the real object of the Motion has been attained. I do not care to judge of a Motion of this kind by an exact criticism of its terms, or by endeavouring to hold the Mover bound to everything it expresses. But I think the circumstance that a Motion of this kind must be interpreted rather with reference to its general object than to all its precise expressions, constitutes a strong reason for that which I will urge upon the House—namely, that it is not very desirable to adopt it as a vote binding upon the House, but that it should be regarded as affording an opportunity for the expression of opinions which, proceeding from Gentlemen of great experience and capacity, must have an influence upon the conduct of the Government. There is no doubt with regard to the Motion itself; but it does not dispose of the whole subject with which it deals. It is evident that several hon. Gentlemen are not disposed to consider that the entire subject would be satisfactorily treated by the mere assertion that certain members conversant with trade and commerce ought to be introduced in the Council of India. My hon. Friend behind me has just said that the members of the Council ought rather to be enlarged; others had said that the restriction which prevents their sitting in Parliament ought to be removed. Each of these opinions relates to a very important subject which is not included in the Resolution; and each of them is directly connected with the purpose of the Resolution, which I take to be somewhat wider than is indicated by its exact terms. The hon. Member asks the House to vote that it is desirable that the Council of India should embrace amongst its members persons practically conversant with the trade and commerce of India; and my hon. Friend the Member for Birmingham (Mr. Muntz) has pointed out several shortcomings or positive errors of administration, which he thinks prove manifest deficiencies in the present Government. But these errors or defects may be removed by other means than the introduction of persons practically conversant with the trade and commerce of India. If we adopt the Resolution, we bind ourselves to choose from a very narrow field. I conceive that those who are connected with the trade of India are not a very numerous class, and of that class a very large proportion are entirely beyond our reach, and it would be out of our power to bring them into the Indian Council. Many are actively engaged in their own pursuits; some having been unsuccessful with their own affairs do not give promise of administrative capacity. There are others, again, who having been most successful, have passed the time at which they can any longer exercise their faculties in a manner requiring continuous strain; and others again, because of their ripe experience and ripe age, would not submit to the amount of labour, involving something like drudgery, which the Council of India requires. Do not let the hon. Member think I am urging these things as against the spirit of his

Motion; it is quite otherwise. If I understand his view, it is that there ought to be in the Council of India a less unvarying predominance of the element of the old official service of India, and a greater variety of type, a freer atmosphere, and more of that contact of various elements of mental power, ability, and experience, out of which all true excellence proceeds. But I do not gather that there is any desire to tie down the Government to one particular kind of remedy. I quite admit that, for the purpose of remedying in the Council the defect which has been described, if such a defect exists, the selection of persons conversant with the trade and commerce of India would be a subject well deserving of consideration. At the same time, the choice of the Secretary of State would be unduly fettered if, instead of looking for that capacity which a general experience in trade and commerce gave, he were restricted exclusively to those whose experience had been acquired in India. If you wanted a capable administration, you should look not so much to the positive knowledge of a man as his general training and mental aptitude; a man who was gifted with elasticity of thought and robustness of mind would be more useful than one who merely possessed a greater stock of positive knowledge. The general effect of this debate has been to signify the sense of the House of Commons, as represented by a number of Gentlemen very well qualified to express its sentiments, that it is desirable to modify, and, if possible, to enlarge the circle of those elements of which the Indian Council is composed. If that be so, I earnestly hope that the hon. Gentleman, and those who sympathize with him, will be satisfied to allow that expression of opinion to have due weight where it ought to be carefully considered. I hope he will not be disposed to ask us to bind ourselves to the adoption of the particular terms of a Resolution which, on the one hand, is embarrassing, because it conveys that sort of vague direction which it is very difficult to obey, and because it would diminish the responsibility of the Government rather than enhance it; and, on the other, is open to exception, inasmuch as the nature of the remedy it proposes is somewhat less broad and extended in its scope than the defect, if it existed, would require. I cannot think of resorting to that method of moving the Previous Question, which is sometimes useful; but I am sure I may rely upon the hon. Member, and those who support him, to take the course which circumstances suggest, and allow the Government, and my noble Friend the Secretary of State for India (the Duke of Argyll), an opportunity of considering the general tenor and purport of the sentiments expressed in this debate. I am quite sure that, on his part, I may say, as has been intimated already, that no one would approach the consideration of a question of this kind less encumbered with prejudices than the noble Duke, or with a greater inclination to give effect to every reasonable expectation.

Mr. GRAVES said, his reference to distinctions had been misunderstood by the hon. Member for Gravesend (Sir Charles Wingfield). What he had suggested was, that if in administering the affairs of India as a member of the Council, any commercial man displayed energy, zeal, and power, he was just as much entitled to receive the favour of his Sovereign as anyone who had served in a military or civil capacity; and such an honour might induce commercial men to accept office in the Council, though the mere remuneration would prove unavailing. The hon. Member for Manchester (Sir Thomas Bazley) was mistaken in supposing that he had no case because he had put forward no grievances—he had studiously avoided making complaints. He had no wish to weaken the power and prestige of our Indian Government—his wish was to strengthen and raise it; he sought rather to show that the desire to deal with its administration sprang from a sense of our responsibility, and a wish to make more perfect the Government on which depended the welfare of some 200,000,000 of the people of India. It was objected by the hon. Member for Manchester that the time was inopportune for the consideration of this question; but surely it was better to discuss a question of this kind when no pressing necessity had arisen, when there was no vacancy to fill up; when, therefore, the subject might be discussed without suspicion of motives, and without any question as to interference with the province of the Government. Until he heard the objections raised by the hon. Member he was under the impression that, in the course he had taken, he had the entire approval of the commercial interest of Manchester. One of the Members for that great centre of industry had seconded his Motion, and he was not a little surprised at the objections raised to his proposal by the senior Member. The Under Secretary of State for India had favoured the House with his views, and if the case had rested on his statement, he could not have avoided dividing the House; for although the hon. Gentleman might have been sincere in desiring that there should be an infusion of the commercial element in the Council of India, yet he threw so many difficulties in the way of the scheme that the House must have concluded that he would not assist to carry out the object of the Resolution. The statement of the Prime Minister, however, made his course easy. The right hon. Gentleman said that the adoption of the Resolution might place difficulties in the way of the Government, and retard the object which those who agreed in the principle of the Motion wished to see achieved. That was enough for him; he had no wish to place difficulties in the way of the Government—he wanted rather to remove them. Besides, in the present state of the House, a mere assertion of the wish of the majority would scarcely be satisfactory. He accepted the assurance of the right hon. Gentleman in good faith. He was sure it was uttered in good faith; and he was perfectly satisfied with the unanimous expression of opinion which the Motion had drawn forth from both sides of the House. He believed that the subject would not have to be again brought before the House, because the Government would carry out what evidently appeared to be the wishes of the House in this matter; but if it should, he would not shrink from asking the House to record its conviction that the time had come when an infusion of the great mercantile mind of England was both desirable and necessary in the Council of State for India.

Motion, by leave, *withdrawn.*

EMPLOYMENT OF CHILDREN IN AGRICULTURE.—OBSERVATIONS.

MR. FAWCETT rose to call attention to the Report of the Commission appointed to inquire into the condition of Children Employed in Agriculture, and to move a Resolution, when ——

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter before Nine o'clock.

HOUSE OF COMMONS,

Wednesday, 18*th May*, 1870.

MINUTES.] — NEW MEMBER SWORN—George Waters, esquire, *for* Mallow.

PUBLIC BILLS — *Ordered* — *First Reading* — Turnpike Trusts Arrangements* [129].

Second Reading—Married Women's Property [16]; Married Women's Property (No. 2) [22], *put off;* Corporation of London) [66], *debate adjourned;* Magistrates in Populous Places (Scotland)* [121].

Second Reading—Referred to Select Committee—Municipal Boroughs (Metropolis) [65].

Committee—Benefices* [46]—R.P.

Considered as amended — Wine and Beerhouse Act (1869) Amendment* [124].

Committee — Report — Considered as amended—Third Reading — Petty Customs (Scotland) Abolition* [95], and *passed.*

MUNICIPAL BOROUGHS (METROPOLIS) BILL—[BILL 65.]—SECOND READING.

(*Mr. Buxton, Mr. Thomas Hughes.*)

Order for Second Reading read.

MR. BUXTON, in moving that the Bill be now read a second time, said, it was now recognized on all hands that the time was come when the anarchy which had hitherto prevailed in the metropolis should cease, and that London should be provided with self-government organized upon an intelligible basis. Many schemes had been set on foot for the attainment of that end; but one by one they had all faded away, except the plan contained in the Bills, the first of which he had now the honour of moving. The broad outline of that plan was this—It was proposed, first, that for the administration of all great metropolitan affairs the whole of London should be formed into a corporation, with a Lord Mayor at its head; and, secondly, that for all local purposes the 10 existing Parliamentary boroughs should be raised into municipal boroughs, and endowed with an organization of whatever kind might be thought most suitable, but complete for the management of their separate affairs. First, and foremost, came the question—what system of self-government should be organized for the metropolis as a whole? That was the grand question. The question of how the comparatively petty affairs of the minor divisions of the metropolis should be dealt with was one of great, but it was of less importance than that respecting the government of London as a whole. That government had to be created from the very foundations. At present it did not exist. The only attempt at an approach to it was the Metropolitan Board of Works; but the functions of that Board were confined to a few specific duties. It was never intended to be, and it could not be, regarded as a municipal government of London. What was really wanted was a strong central government for the whole metropolis—a government that should have control over the police and the administration of justice, over all sanitary measures, improvements of streets and other public works, including sewerage, gas, bridges, gaols, workhouses, asylums, and so forth. The demand for such a central government for the metropolis had become too loud to be resisted. Her Majesty's Government distinctly admitted this last year, and promised their aid in carrying out this much needed reform; so that, without doubt, ere long—and he hoped before the Session was over—this reform would be carried out. Starting, then, from this incontrovertible fact that the government of London had to be created, the question was, what its form should be? Now, his proposal was not characterized by any revolutionary daring; he simply proposed that London should be dealt with exactly as every other important town in this country had been dealt with—namely, that it should be formed into one great municipality, with a corporation constituted on the usual model. A right hon. Member of the present Administration had argued against thus following the pattern of municipalities existing elsewhere; but he (Mr. Buxton) had never been able to discover any reason, except the mere passion for novelty, for departing from the ancient, time-honoured, and, in most respects, successful system of self-government which had prevailed for so many ages in this island, and had been free from the evils that had at one time injured its efficiency. The mere size of London, so far from being an objection, was, in fact, an advantage. It had always been found that the larger the area of government the better, as a general rule, that government became; while, *vice versâ*, petty government was usually petty and mean in its character. A Governing Body, elected by 3,000,000 of people, would be sure to include many men of high education and intelligence, and its career would be almost certainly distinguished by superior wisdom and vigour. The corporations of the largest towns in this country—Liverpool, Manchester, and Glasgow—had shown that the great size of large cities tended to good government. Now, under these Bills, the chief magistrate of the metropolis would be styled the Lord Mayor of London, that title being taken away from the chief magistrate of the City proper, who would in future be called the Deputy Mayor, and would always step into the place of his chief in his absence. On the principle on which these Bills were founded, the City Corporation would, in fact, be elevated and extended so as to cover the whole metropolis. It would, therefore, follow inevitably that the property now belonging to that corporation would in future belong to the government by which it would be superseded. That would be an essential part of the scheme, and he rejoiced to find that some of the most intelligent and important members of the City Corporation not only perceived this, but assured him of their most cordial approval of such a transfer. The fact was, that the property which the City had inherited had not been originally intended for the benefit of a small body of persons, living in a restricted area, but for London, the metropolis of the kingdom. It was only by the merest accident that a check was put upon the original tendency of the City to absorb by degrees the whole of London. Had that not been done all Londoners would have shared in the enjoyment, and have had a voice in the administration of this great revenue. The coal and wine duties, which had helped to swell the City purse, had been gleaned from the whole metropolis. In fact, at the present time every inhabitant of the whole metropolis, in an area extending 15 miles from Charing Cross, was compelled to contribute to this revenue, and was absolutely entitled, therefore, to share in directing its expenditure. He ventured to say there was nothing in this country more inconsistent with all principles of sound government than that the inhabitants of a vast area should be heavily taxed, and that the employment of the revenue thus created should be in the hands of a minute fraction of those inhabitants, selected not by any choice, but solely on the ground of their living within certain narrow limits. This arrangement seemed to him so impolitic and so unfair, that it could not any longer exist. He proposed, then, that the City Corporation should be elevated and expanded, so as to become the corporation of the whole metropolis, and that the new Governing Body should be endowed with all the functions, prestige, and property of the former one. In making this proposal, he certainly was not acting as the enemy of the City. He was himself a freeman of the City, and highly appreciated the splendour of its mediæval history, and the importance which it still enjoyed. Of late years the City, like most other public bodies, had shared in the vigorous impulses of the times, and had displayed a far more liberal, energetic, and patriotic spirit than that which used to characterize it; but the worst enemy of the City would be he who should advise it to stand out against this inevitable reform. Happily this truth was admitted by some of the most important members of that body. In fact, some three years ago a select committee of the Court of Common Council made a report most favourable to a scheme similar in its general outline to the present plan; and the far-seeing among the members of the City Corporation must now be well aware that the only result of rejecting this plan would be that the Metropolitan Board of Works would be converted into a municipal council for London, with its powers so enlarged as to enable it to deal with all the affairs of the metropolis. That was the only alternative; but under that plan the City would be utterly ignored, and be treated as non-existent. Now, for his part, he thought that it was only due to the City, that the existence of an institution so ancient, so powerful, so intimately connected with the history of the realm, and which still retained a position of such commanding dignity, should be clearly recognized in dealing with the government of the metropolis; and surely it would be a more wise and statesmanlike course to accept existing facts, and, so far as possible, to build upon them rather than to pretend that they did not exist and take no account of them whatever. In fact, he did not believe that anyone wished to set aside the City as of no consequence, unless, indeed, the City were so incredibly rash as to stand in the way of all reform, until by damming up the flood it should cause its own annihilation. He believed that no one would deny the fact that, at the present moment, London was suffering from the want of a vigorous central government. It was only strange that her inhabitants should have so long borne with the state of anarchical confusion under which they lived. The *Edinburgh Review* said—

> "Nothing is more discreditable than the anarchy of London and its circumjacent cities. Nothing is more unworthy of the nation which professes to govern distant Empires, than the fact that its own capital is in the hands of a mediæval corporation, and parochial boards all at war with each other."

It added—

> "The municipal government of the metropolis being established on a proper footing, the great questions of pauperism, crime, police, public works, the water supply, markets, sanitary measures, improvements, and local taxation, would, of course, be dealt with."

The fact was that London was divided into 39 districts for one purpose, 16 for another, 90 for another, 54 for another, beside a multitude of other divisions. It was differently divided for the police and the police courts, for the county courts, for duties under the Registrar General, under the Building Act, for postal, militia, revenue, water, gas, and Parliamentary purposes, and these districts crossed and interlaced each other in a manner reminding one, as he had said last year, of Dr. Johnson's definition of network—"a decussated reticulation, with interstices between the intersections." More than 100 Acts of Parliament were in force for the government of London, and there were no less than 7,000 honorary officials, besides a host of paid ones. The variety of the authorities and the divisions and subdivisions overlapping and crossing each other, the confusion of their powers and the cross purposes of those endowed with them, involved the ratepayers of the metropolis in a vast amount of needless expense and litigation; and, as usual, extravagance meant inefficiency as well. A Parliamentary Paper showed that over £100,000 had been spent in contests on the gas supply alone. The consequences of this state of anarchy appeared in the defective arrangements bearing on the sanitary and social position of the people as regarded the water supply, gas, the adulteration of food and drink, and so forth; and it was not wonderful that at last all sensible men had agreed that the metropolis of the Empire should be supplied with some system of self-government. A highly important Resolution distinctly advocating that idea had lately been arrived at by a special committee of the Metropolitan Board of Works. So much for the first part of the scheme contained in these Bills. The second part was that for creating local governments in the several portions of the metropolis for the administration of those minute affairs which would not be so frugally or effectually conducted by the central government of so vast an area. With this view he proposed to take the 10 Parliamentary boroughs into which London was already divided, and that each of these boroughs should be completely organized for the management of its own local affairs. Nothing could be simpler than this part of the scheme. Those boroughs already existed for Parliamentary purposes. There was no difficulty in giving them municipal institutions. The only question was, what shape these municipal institutions had better take? At one time it was proposed to elevate each of these boroughs into an ordinary municipality, with a corporation presided over by a Mayor. They had thought it wiser to drop that feature of the plan, and it would probably be much better to give each of these boroughs a less dignified, but, at the same time, a less cumbrous form of self-government. That, however, was, after all, a mere question of detail which would be very well settled by a Select Committee. The City, of course, would retain its corporation; the remaining divisions would be Westminster, Chelsea, Marylebone, Finsbury, Hackney, Tower Hamlets, Southwark, Lambeth, and Greenwich, containing, on the average, a population of 300,000 persons each, making, in the whole, a population of about 3,000,000. The third of these Bills was for the extension of the county of London from its present City boundaries to the whole metropolis, and was a necessary corollary from the other two. There were, then, two broad facts before them. There was, first, the fact, that at present the metropolis had no municipal self-government whatever; secondly, there was the fact that on all sides this grievous deficiency was recognized. The City itself, though it could not yet make up its mind to any sacrifice of personal dignity, had fully recognized the truth that some great reform was needed, and on all hands it had been distinctly admitted that the anarchy of London ought to come to an end, and that a strong system of government should be organized in its stead. No doubt, through the native vigour of Englishmen, we had contrived to muddle on somehow hitherto; but the want of due self-government had led to grievous waste of money and of power, waste of time, waste even of the life and health of their fellow citizens, and of their happiness and comfort. He might apply to this state of things the picturesque words in which John Bunyan described the Valley of the Shadow of Death—"It was every whit dreadful, being utterly without order." It must be remembered that effort after effort had been made to remedy this state of things. In 1835, when all the towns in the island were provided with the machinery of self-government, the City would not permit, and unhappily was powerful enough to prevent, the introduction of such self-government for the metropolis of the Empire. Repeated efforts were afterwards made in that direction, but with no success, except that a temporary compromise was made in 1855, when the Board of Works was established; but the antagonism between the City and the Board of Works had been a terrible evil to the ratepayers of London. Under these Bills these two opponent bodies would be blended into one, and the energies of both would be utilized and developed. The plan of which he was the humble advocate, had been the result of profound and careful consideration by men best versed in such topics, and he felt bound to refer especially to the very great services to this cause of Mr. James Beal, who had laboured to forward it for many years with admirable energy and ability. He would only add that it was most highly important that another year should not be lost. At present everything was paralyzed by the uncertainty as to what would be done; and really it was no slight misfortune for such a vast City to have everything hung up for a whole year, no one venturing to move in any improvement, because they were waiting, as they naturally must wait, to see what the new government of London was to be. He rejoiced that Her Majesty's Government were disposed to accept the principles of these three Bills, and he earnestly hoped that ere another year had closed, London, like every other great town in Europe, would enjoy a complete and organized system of self-government.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Buxton.*)

MR. BENTINCK said, he had felt it to be his duty in three successive Sessions to move the rejection of Bills on this subject. On each of these occasions he had addressed the House very briefly, and he should now have followed the same course, but for certain remarks made by his hon. Friend who had just spoken. He was at a loss to discover how his hon. Friend had arrived at the astonishing conclusion that all schemes had vanished with the exception of the one which he (Mr. Buxton) had brought forward. The opinion of the House, so far as it had been expressed at all, had been pronounced in favour of the Report of the Committee of 1866 and 1867, which was prepared by the present First Commissioner of Works. Of that Committee he (Mr. Bentinck) was a Member, and, with the single exception of himself, it was composed of the most eminent Members of that House. It was gratifying to learn that the hon. Member had at last discovered that the Members of what he might term the "Beal faction" were not the only municipal reformers in London; and he thought there would be no difficulty in indicating a plan which would be infinitely preferable to that advocated by the hon. Member. An opinion that some alteration was required in the government of the metropolis had existed for several years, and the first step in the matter was taken by the right hon. Member for Morpeth (Sir George Grey), when he proposed to unite the City and metropolitan police forces. That scheme, which unfortunately failed, would, he thought, have been a most valuable one. In 1866 a Committee was appointed to inquire into the local government and taxation of the metropolis; and after sitting two years, and examining every witness that could possibly be brought forward, it acquired a vast mass of evidence, and unanimously agreed to the able and exhaustive Report, to which he had already referred. The "Beal faction," represented by Mr. John Stuart Mill, opposed that Report, both in Committee and in the House; but the rejection of their Resolutions was moved by the present Under Secretary of State for the Home Department, and carried without a Division. Thus two Ministers of the Crown were committed to the plan proposed by the Select Committee. In 1868 Mr. Mill brought in a Bill on this subject, the object of which was to set up a corporation in every borough, with all the powers exercised by the present vestries, and others in addition. That scheme met with no approbation out of doors, and at a public meeting held at St. James's Hall it was unanimously condemned. It was only suported by the City interest, who desired to see these municipal institutions transferred to other boroughs in order to save themselves. Last year, Mr. Mill being no longer a Member of that House, a scheme was introduced by his hon. Friend the Member for East Surrey (Mr. Buxton). It was simply a modification of the scheme introduced by Mr. Mill. There were to be mayors, aldermen, and councillors, with power to raise borough rates, and the ordinary powers of the vestries. After some discussion the Bill was withdrawn. The measure which his hon. Friend now brought forward was totally different from its predecessors, both in detail and in principle. With regard to its details, he was surprised that a Gentleman of business capacity like his hon. Friend should put his name to a Bill which made no provision for the election of the wardens and councillors whom it proposed should be appointed. To the principle of the Bill he must state some objections. It proposed the transfer of the powers and property of the vestries to district Boards. He could not agree in the hon. Member's views of municipal institutions, for he did not see how an institution could be really municipal unless it had control of all affairs usually vested in such bodies; and he could not suppose that the hon. Gentleman, in his most enthusiastic moments, ever imagined that Her Majesty's Government would relinquish the control of the police and the administration of justice in the metropolis. His chief objection to this Bill, however, was that it failed to secure an efficient central government; and there was the further defect in the measure that it left such important matters as the lighting and repair of thoroughfares to the local bodies from whose mismanagement so much inconvenience arose. When his hon. Friend said that there was no rival scheme before the House, he denied that statement, because the scheme proposed by the Committee in 1867 was still in existence, and, as far as he knew, had been received by the public with much greater approbation than had been accorded to the scheme of the "Beal faction." The Report of that Committee recommended the reconstitution of the Board of Works as the central authority of London, and urged, not only that its constitution should be altered, but that its name should be changed and its powers enlarged. If any fault could be found with it at all, it was that it did not go far enough; and he believed that had the Committee been sitting at present, it would have been in favour of a still further enlargement of the powers of the Board. It was not true that the Committee's scheme ignored the City. But this Bill would raise a storm of opposition in the City, because it went further in the direction of destroying City privileges than even the scheme proposed by the Select Committee of 1866. It would be found that the hon. Gentleman's proposal had well nigh frightened the City authorities out of their wits. The Remembrancer, in a pamphlet which had that very morning been left at his house, said it was obvious that the Corporation of London could not admit the principle involved in the Bill, for the scheme would destroy that Corporation, and transfer its property, charters, privileges, and honours to the proposed new corporations. He was sorry to say that the root of all the opposition to municipal reform lay in the City itself. No plan had yet been brought forward for the benefit of the whole metropolis, which had not met with opposition in that quarter, led by some frantic or frenzied alderman. In this way the Board of Works, the main drainage, the tramways, and the making of new streets had each been received with disfavour. The new road from Blackfriars to the Mansion House had been strongly opposed, though a strong desire had subsequently been pretended to preserve it from the encroachments of railway companies. He feared that until the City were prepared to surrender something, until they recognized the existence of others outside their own limits, there would be no chance of a satisfactory solution to these difficulties. He would venture to suggest that the City should agree to relinquish its jurisdiction over sewers, and should treat its property as belonging to two classes—the first including property vested in them for distinct and clearly-defined purposes, and the second comprising property held for public benefit, and which should be applied for common purposes. The suggestion that the local bodies should be abolished deserved attention, and he saw no reason why a central body, elected in the mode pointed out by the First Commissioner of Works, should not effectually administer all the districts of the town by means of various committees. He trusted that the Secretary of State for the Home Department would not consent to refer these Bills to a Select Committee, for by such a course he would convey the impression either that he admitted the principle involved, or that he was seeking for a policy, and sending forth the hon. Member for East Surrey as a species of will-o'-the wisp, merely to lead the unfortunate ratepayers into unutterable darkness and hopeless obscurity. The right hon. Gentleman stated last year that this question could only be satisfactorily dealt with by the Government of the day. He would suggest that the matter should be allowed to stand over till next year, when the Government would have ample time to consider the question. As the Committee could not sit before the Whitsuntide holidays and the end of the Session was approaching, the appointment of a Select Committee could be attended by no practical result. For these reasons, he begged to move that the Bill be read a second time upon this day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Bentinck.*)

MR. MORRISON said, he concurred in the opinion that this was a subject with which the Government themselves ought to deal. The Secretary of State for the Home Department last year promised a deputation that he would undertake it when opportunity served. But it was not the fault of the Government that they had not taken up the question this Session. If, at the beginning of the Session, the Secretary of State for the Home Department had given any intimation of his intention to move in the matter, the only result would have been to take the question out of the hands of private Members, and to defer any real discussion of it for at least 12 months. He was not so sanguine as his hon. Friend the Member for East Surrey (Mr. Buxton) that if the Bill went to a Select Committee the subject could be sufficiently considered to admit of legislation in the present Session; but one advantage would be gained—namely, that the Secretary of State would have an opportunity of considering the various points during the autumn Recess. When the right hon. Gentleman should come to deal with the question he hoped he would give due weight to considerations on which a general concurrence of opinion would be found to prevail. The hon. Member for Whitehaven (Mr. Bentinck) had stated that the Bills of his hon. Friend had no support except from "the Beal faction." Now, he would say that, in the matter of the gas question, Mr. Beal had conferred benefits on the City which, but for his zeal and assiduity, it would be far from obtaining up to the present time, and if those benefits had not been extended to the whole of the metropolis it was neither Mr. Beal's fault nor his own. The hon. Gentleman had said that a meeting in St. James's parish had passed resolutions in opposition to the proposals before the House. To that he attached no great importance, for there were very few subjects indeed upon which it would not be almost possible to get a decision on one side or the other in a metropolitan parish from a meeting. The Bills which dealt with the question were divided into two, one of which proposed to establish 10 municipal boroughs conterminous with the existing Parliamentary boroughs, and the other to create a corporation which should have jurisdiction in certain matters over the whole metropolis. The Corporation of the City had pronounced in favour of one part of the scheme, that for establishing municipal corporations, and the Metropolitan Board of Works was in favour of the other—namely, that one central body should be created which should have larger powers than was possessed by that Board at present. As to the scheme of 1867, it was enough to say that since that year no one had seen fit to propose that it should be carried out. Again, the Board of Works had full opportunity in 1865 of improving its constitution, but did not do so. It was quite clear that if they waited for the action of the Board of Works reform would be postponed indefinitely. Many of the objections which the hon. Member had made to the measures of his hon. Friend the Member for East Surrey (Mr. Buxton) regarded points which might be properly dealt with in Committee; but there was one great error under which he laboured. The hon. Member had taunted his hon. Friend with not having provided any machinery for the election of councillors; but if he would look to Clause 8 he would find it laid down in the most exact manner. With respect to the police, whatever change might occur, he presumed that the Secretary of State for the Home Department would still have a general control over it. As to such matters as gas and water being intrusted to a general authority, and not to the municipal boroughs, as far as he had considered the subject he was inclined to agree in that opinion, because the direction in which gas and water pipes ran was entirely independent of the boundaries of the proposed municipal boroughs. Practically the opposition to these Bills was, in the main, opposition to the establishment of 10 municipal corporations for London, provided for in the first Bill; the second Bill being in substance the scheme of the Committee of 1867 for creating a central body. If they were starting with a *tabula rasa*, he was not going to say that he should approve the first part of the scheme of his hon. Friend; but we had to deal with interests long established, and in undertaking a project of reform it was not wise to run one's head against stone walls. London was not like any other town on the face of the earth. It was not only larger, but, owing to the circumstance that it had been allowed to grow to its present size without any central government, it was in many respects peculiar. There was the City, which might be regarded as the kernel, and it comprised only 130,000 residents, but had a vastly larger number of persons who came to their establishments every day, and contained a greater amount of wealth than any equal number of acres on the face of the globe. We could not, therefore, apply the analogy of such places as Liverpool or Manchester to the City of London, Take, for example, the question of the police. The property of the City was immense, and, therefore, the authorities were not prepared to hand over its custody to a number of police such as might be sufficient in other parts of the metropolis. The proposal of his hon. Friend was more statesmanlike than that of the Committee of 1867. In dealing with men of English blood it was better to reform than to revolutionize. The proposal of his hon. Friend was to reform, that of the Committee of 1867 was to revolutionize. Practically, we must have only one body governing everything, or else adopt the policy of division in regard to local concerns. Now, he challenged anybody to point out a division of the metropolis which would be more natural or would fall in better with our ways of thought than that of the Parliamentary boroughs. One objection might be raised on the ground that party politics as understood in that House would be too strong an element in the election of the local town councillors. But it would not be difficult by adopting one of the modes of taking votes so as to give effect to the principles of proportional representation to insure one political party should not monopolize the whole power of the council. His hon. Friend had done well not to let the question sleep this year. We were now passing through a period of reform; we did not know how long it might last, and how soon the period of torpor which usually followed might set in.

Lord JOHN MANNERS said, he rose to make an appeal to Her Majesty's Government. He had attended now for a very considerable period to the discussions on this question, and he had a very strong conviction that nothing but Her Majesty's Government could cope successfully with the immense difficulties that stood in the way; and not even Her Majesty's Government, strong as it might be, unless it set to work to secure beforehand the co-operation of the great municipal bodies at present existing. Having sat on the Committee of 1867, and having, on three different occasions, held an Office which had necessarily brought him into close communication with the representative bodies of the metropolis, his conviction was, that the Corporation of the City of London, the Metropolitan Board of Works, and, to a perceptible degree, the other local bodies, were conducting the matters committed to their charge, if not in a manner altogether satisfactory, at least in a way very creditable to them, and one which was gradually winning the confidence of the inhabitants of the metropolis. He had never joined in the condemnation bestowed on the Corporation of the City of London or the Metropolitan Board of Works. He had only regretted the alienation of feeling, so to speak, between these two great bodies. He regretted extremely that Bills of this nature should be brought forward by private Members, though he admired the ability and spirit which had been shown on the present occasion. He believed there was no dispute as to the facts, and he did not anticipate that any new light would be thrown on the subject by the labours of a Select Committee. In the circumstances of the present Session it was out of the question that the Government could take any steps with regard to this subject; but he should be glad to hear the right hon. Gentleman say that next Session, or even the Session after, he would relieve private Members from the trouble of attempting to legislate on these important matters. The hon. Gentleman (Mr. Buxton) had said that this was a question which affected 3,000,000 of people, or, in other words, the population of an independent kingdom. Well, then, a population having such various interests and such various representative bodies could not be successfully dealt with except by the mature and well-instructed judgment of Her Majesty's Government.

Mr. LOCKE said, the noble Lord (Lord John Manners) had remarked that the different bodies in the metropolis were acting in a way which gave satisfaction. Now, he did not mean to say that they were not doing their duty as well as they could in the positions in which they were placed; but all must be aware that the Corporation of the City and the Metropolitan Board of Works were continually coming into collision, and one of the worst features in our present system was, that they not only quarrelled, but in doing so they levied a very heavy expense on the ratepayers of the metropolis. When these bodies came into antagonism, and fought their battles before Committees of this House, who paid for it? He was in favour of having one body to govern the metropolis; and his hon. Friend (Mr. Bentinck) would recollect that, as a Member of the Committee on which they both served, he made a proposition that the Corporation of London should be extended over the whole metropolis, and that the metropolis should be divided into wards, each with an Alderman, for he would not call him Warden, but give him the more ancient and honourable name. "Alderman" in ancient times was one of the most distinguished titles a man could possess, and he thought it more honourable than that of Warden, for among the Anglo-Saxons the Ealderman, from which the modern word Alderman is derived, was the highest office in the kingdom. Where was the great difficulty, if they divided the metropolis into wards, of making them each a component part of a great corporation, with Aldermen representing the wards, as they did now in the City? His hon. Friend was not quite aware of all the duties performed by the Court of Aldermen, and they might arrive at a better decision than to do away with what might be called "the House of Lords" of the Corporation of the City of London. In each ward an Alderman had a deputy who represented him, he being one of certain number of common councilmen by whom regulations were made for the good government of the ward, and much to its advantage. He did not think that there would be any advantage in making each of the Parliamentary boroughs in the metropolis a corporation, with 20 common councilmen, because he thought that this number would be too small to work well. The 42 members of the Metropolitan Board of Works were too few; he believed they were always in Committee, and that the greater portion of the business was performed by the whole body. But in the City of London the Common Council was divided into Committees, which considered the particular subjects referred to them, while the whole Board had to decide on their reports precisely in the same way as they did in this House. The view he took of the matter was shared by a number of the membersof the Common Council of the City, for he had read with great interest a debate which had occurred a short time ago, in which excellent arguments were adduced in support of the plan, that, instead of having these different corporations established, the whole metropolis should be divided into wards, and that there should be one corporation for its government; and this view was strictly in accordance with the principle upon which the City acted when centuries ago they included within their bounds such districts as Cripplegate-without, Bishopsgate-without, and Farringdon-without.

MR. W. H. SMITH said, he concurred in the view taken by the noble Lord (Lord John Manners) that this was a question which could be dealt with successfully only by the Government itself. In hesitating to give his vote in favour of the second reading, he did not wish to be understood as admitting that the administration of the City of London was satisfactory, On the contrary, he thought there was great room for improvement. This question had been sent to a Select Committee on a former occasion, and had been very carefully examined; but the matters involved were too important to be dealt with satisfactorily in such a way. It was for the Government to decide what should be the constitution of the bodies which should be appointed in the place of those which now existed. There was no desire abroad that all these municipal boroughs should be created in the metropolis. On the contrary, there was an impression that their creation would lead to very considerable expense. It was not suggested by those who advocated the present scheme that there would be any very great economy in the management of the affairs now intrusted to the vestries, the district Boards, and the Metropolitan Board of Works. It appeared to him there was but one mode of dealing with the subject—that suggested by the hon. Member for Southwark (Mr. Locke), thought it might be a very grave question for the Government whether such a municipal body for all London would not be almost too powerful for the Government itself to deal with. The tendency of late years had been to create special Boards for special purposes, as might be seen in the Metropolitan Board of Works, which was established to carry out the main drainage, to take charge of lighting, and to perform other works, and in the bodies which had been created by the Poor Law Board to look after the interests of the poor. He hoped to see a body that would represent the metropolis upon the matter of education. The present Bill, however, would be antagonistic to this principle, and besides, if there were eight or ten municipal boroughs, there must be frequent contests among them, and consequently heavy expenses would be cast upon the ratepayers. He ventured to think that this subject could be fairly dealt with only by the Government.

Mr. BRUCE said, he entirely concurred with most of the observations which fell from the noble Lord opposite (Lord John Manners). He still thought that this great subject could only be adequately dealt with by Her Majesty's Government, and it was not, in his opinion, inconsistent on their part to assent to these Bills being referred to a Select Committee, which would be able, doubtless, to render useful assistance to the Government in their future attempt to legislate on the subject. He admitted that there were many evils connected with the present management of local affairs in London; but he could not in justice concur in the general and wholesale aspersions that had been cast upon it. He acknowledged that the supply of water in London was inadequate, and that large improvements might be made in its sanitary condition; but yet if they compared London with Paris and Vienna, or even with the large cities of this country—such as Liverpool, Manchester, and Glasgow—they would find that the comparison, in a sanitary point of view, was greatly in favour of London. The shortcomings of the metropolitan vestries and other bodies had arisen perhaps quite as much from deficiency of power as from the want of personal goodwill or of personal ability, or any other cause. In submitting these Bills to a Select Committee, Her Majesty's Government was not necessarily bound to the principles which had been laid down by his hon. Friend the Member for East Surrey (Mr. Buxton). There would be nothing in the reference to that Committee which would prevent it from considering other schemes, and drafting as much of them as they thought proper into what they might recommend should be the future constitution of the metropolis. The objections, both to the Bill prepared by his hon. Friend last year, and also to his improved measure of this year, appeared to him to arise as to the difficulty of apportioning the powers between the central body and the new local authorities which he proposed to create. If the central authority was to be what it ought to be for a great city like London, it must take to itself almost the whole of the important functions now exercised by the municipal bodies generally throughout the country. All the larger powers of conducting the administration of justice, the police, drainage, burials, the supply of water and of gas, and other matters must be taken by the central authority, and then what remained for the local bodies in the separate districts would be so inconsiderable and trifling that they would be hardly worth the notice of any very dignified body. That was the difficulty which met them on the very threshold of this question, and one of those questions upon which the Select Committee would most usefully occupy itself was, whether there should be nine municipal bodies constituted, as proposed by his hon. Friend, with very small powers, or whether the proposition of the hon. Member for Southwark (Mr. Locke) should be adopted, which practically came to this—that there should be a great central body, with separate committees, but without any of those distinct local municipalities. He was not sanguine enough to believe that the Select Committee could complete its inquiries into that important subject in time to lead to legislation this Session; but still he thought its labours might afford valuable assistance to the Government in the arduous and difficult task of preparing a scheme which should meet the approval of the House. It was not his intention to enter into the details of the Bill of his hon. Friend; but there was one question which would require, and would no doubt receive, a very careful consideration at the hands of the Committee—namely, whether or not the power of appointing and regulating the police should be given to the municipal authorities which might be created. London stood in a different position in that respect, owing to its vastness, from any other town in the country; its police force was almost like a standing army of some 10,000 men. A minor part of that subject was the separate management of the City police. He could not see the advantage of that separation; and, for his own part, he hoped the whole question as to the police of London would be fully examined by the Committee, and he could not but think that the result of its deliberations would be, that there should be one police for the metropolis, and that that police should remain as at present under the immediate supervision of the Government, who would always be held responsible for the peace and good order of the metropolis, which was the seat of government. With respect to the redistribution of the property of the City, if the Committee would carefully consider that question, the Government would be extremely glad to have their assistance in dealing with that subject. It was by no means easy to solve the distinction between what was public and what was private property; but he thought that portion of the property which was generally admitted to be public property ought to be handed over to the newly-created municipal body. From all he had heard and read, he could not doubt that there prevailed throughout the country a great desire that there should be a strong central government for the whole of London. He thought there was much in the proposition of his hon. Friend which commended itself to general acceptance. The principle of dealing with the institutions of London on the model of the other municipal institutions of the country was one which, *primâ facie*, had much to recommend it. On the other hand, it was well worthy of consideration whether there were not exceptional circumstances connected with this great metropolis which would render it necessary to deal with this subject radically upon a different basis. There should be no desire to interfere unnecessarily with an institution like the Corporation of London, which had played so large a part in the history of the country; and if, instead of superseding it, they could extend it and adapt it to the general requirements of London, it might be advantageous to do so. But they must not allow their love of ancient forms to interfere with real improvement. In conclusion, he had no doubt that in choosing the Members to serve on the Select Committee his hon. Friend would see that all varieties of opinion were fairly represented, and then he felt that their labours would tend to promote and assist the work of future legislation. For these reasons he, on the part of the Government, assented to the second reading, in order that the Bill might be referred to a Select Committee.

Mr. RUSSELL GURNEY said, he had listened with great pleasure to the speech of the Secretary of State for the Home Department; because he collected from it that the Committee would not be tied down to those particular Bills, but would enter upon the general question of what was the best mode of providing for the government of London. There would be no opposition offered to that by the Corporation of London. They certainly could not assent to some of the provisions and principles contained in those Bills; but, at the same time, they felt the necessity for an inquiry into the subject; and, on their part, he was authorized to say that they were most anxious that that inquiry should be instituted, and that they would render all possible assistance in its prosecution.

Sir WILLIAM TITE said, as a member of the Metropolitan Board of Works, he did not assent to the principle of that Bill, or desire to see it carried into effect. He believed the whole question to be a very simple one indeed, and that with a little goodwill and good temper on the part of the Corporation of London and the Metropolitan Board of Works, no difficulty in settling it satisfactorily need arise. In early life, he had been connected with the Corporation of London, and he had been asked to become an Alderman, but he had no desire to accept that honour. As a member of the Metropolitan Board of Works, he represented a parish with 130,000 inhabitants; and a vestry of 60 members returned him once in three years as their representative in what was a sort of Parliament in its way. The vestry attended to the ordinary operations of the sewage, cleansing, and lighting of their district. The whole existing arrangements were, he thought, about as well conceived and carried out as they could be.

The City of London sent to the Metropolitan Board three of the ablest men among them—namely, one Alderman and two Common Councilmen. Unluckily, there came in the great influence and social position of the Corporation of London; but advancing civilization would, no doubt, cure all that, and dispose of the "barbaric pearl and gold." The wards and districts beyond the City proper required to be better divided, and the police force of a town, comprising 3,000,000 of inhabitants, could not be intrusted to other hands than those of the Government. The City Commission of Sewers ought to be united in some measure with the Corporation of London. The Metropolitan Board had, he believed, done its work well. The main drainage system of the metropolis—one of the greatest works of the world—had been successfully carried out; and the new streets and other improvements made by them, both in respect to the manner of their execution, and the expedition with which they were completed, reflected no discredit on the Board. He believed the Board had done its duty, although he did not say it was perfect. The hon. Member for Southwark (Mr. Locke) thought that, instead of the Metropolitan Board of Works, the Corporation of London ought to be made a great authority. Any body of Englishmen, whether the Metropolitan Board or the City Corporation, would, he believed, do what was required. The matter of taxation, which fell heavily on the inhabitants, was very important; but he thought it would be carefully watched either by the one body or the other. In his opinion, things would not work well if there were two authorities; but, he repeated, with a little goodwill and good temper on both sides, matters might be easily arranged.

Mr. Alderman W. LAWRENCE said, this question had not excited as much general interest as one would have expected from its importance. Throughout this debate, he thought a great fallacy had run. The hon. Member for East Surrey (Mr. Buxton) said his object was to place London on the same footing as Manchester, Liverpool, or any of the large towns of the country. But the metropolis was not a town or city, it was the agglomeration of various towns and cities, and possessed no such unity as a town or city did. Calculating the future by what had already taken place, the population of the metropolis would, in the course of something like 30 years, have increased to 6,000,000; but there was nothing in the Bill to provide for its augmented dimensions. At that advanced period of the Session it was impossible to refer the question to a Select Committee, with the hope that they could give that attention to it which it demanded. It was the unanimous opinion of the inhabitants of the City of London that their police was the most efficient and best-constituted body to be found in any metropolis in the world; and if there was one thing upon which they were more determined than another, it was the retaining the control of the police, to look after their interests, instead of having to send to Scotland Yard. Speaking generally, they thought that the contemplated municipality would be too vast for efficient working. There could not be the slightest unity of feeling between Woolwich and Belgravia, or between Blackwall and Clerkenwell. If the creation of a county for London was adopted, the principle would apply to Birmingham, and other large towns standing in two counties. He thought no benefit would be gained by sending the Bill to a Select Committee; but he should not divide the House upon it. He must condemn the action of the Board of Works in introducing measures affecting the City of London without first ascertaining the feeling of the City upon the subject. The City of London deserved well of Parliament. It had always been the abode of freedom; and, though free from the charge of being moved for party purposes, had more than once thundered at the doors of the House until the liberal principles which it advocated were adopted by the Legislature.

Mr. SAMUDA said, that, with the exception of the speeches of the Mover and Seconder of the Motion for the second reading, all the speeches made in the course of the debate were against the principle of the Bill. The speech of the Recorder on behalf of the Corporation, the speech of the hon. Member for Bath (Sir William Tite), representing the Metropolitan Board of Works, and the speech of the Secretary of State for the Home Department, were all condemnatory of the Bill; and yet the House was asked to read it a second time. He thought very great inconvenience resulted from the practice of reading Bills a second time, when the principle of the measures was not sanctioned by the House, because when they were sent to a Select Committee, that Committee was trammelled by the principle. It was obliged to keep within the four corners of the Bill. That was what any Committee, to which this Bill might be sent, would be obliged to do. The intention clearly was to shelve the Bill for this Session, and it would be much better to refer the question itself to a Select Committee, without any Bill. He hoped it was not too late to adopt that course, even after what had fallen from the Secretary of State.

Colonel SYKES said, the City of London was entitled to the respectful consideration of a reformed House of Commons. It was a successful representation of a democratic institution that worked admirably; then why should Parliament interfere with it? The City of London had always been foremost in the defence of liberty. He considered that it would be a waste of time to refer the Bill to a Select Committee.

Mr. MUNTZ said, he was of opinion that the House ought to adopt the suggestion of the Secretary of State for the Home Department, and send all three Bills to a Select Committee, because then it would be impossible to pass them this year. The question had been before the public 24 years; but they had not obtained sufficient information how to establish a successful *imperium in imperio*. He was, however, afraid that a Select Committee would take away some of the old and esteemed rights of the City. He deprecated the interference with the City in the management of their police as likely to introduce the French system, which would be so repugnant to the feelings of Englishmen.

Mr. BUXTON, in reply, said, he would consent to the three Bills being sent to a Select Committee. Though, after much consideration, he thought his own scheme the best, he was not wedded to the details contained in the Bills. All he wanted was to establish a good system of local government for the metropolis.

Sir GEORGE GREY said, he wished to express his concurrence with what had been said by the hon. Member for the Tower Hamlets (Mr. Samuda), as to the extreme inconvenience of reading Bills a second time, on an understanding that the second reading affirmed nothing as to the principle of the measures themselves. He apprehended that, after the second reading of this Bill, it would scarcely be competent for the Select Committee to go into the question, whether it was expedient that the metropolis should be divided into municipalities, as that was the very principle of the Bill. All they could do would be to determine the number and boundaries of the municipalities, and other details requisite for giving effect to the principle. It would have been better if they had appointed a Committee on the question generally, before reading the Bills a second time.

Mr. BRUCE said, in explanation as to what he stated should be the latitude of the inquiry by the Committee, though the Bill was entitled "Municipal Boroughs Bill," he had already explained that the proposed municipalities would not resemble the present municipal institutions throughout the country. They would bear the name of Councils, instead of vestries; but they would not have one tithe of the power exercised by the municipalities of the various boroughs throughout the country. The Committee would have to inquire into the number of the municipalities, and the powers with which they should be invested.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 130; Noes 66: Majority 64.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* to a Select Committee.

MARRIED WOMEN'S PROPERTY BILL.

(*Mr. Russell Gurney, Mr. Headlam, Mr. Jacob Bright.*)

[BILL 16.] SECOND READING.

Order for Second Reading read.

Mr. RUSSELL GURNEY, in rising to move that the Bill be now read a second time, said: I feel fully sensible of the responsibility which rests upon anyone who proposes a change in a system of law affecting the relation of husband and wife, which has long existed in this country, which has tended more or less to form our national habits, and upon which, in the opinion of some, the peace and purity of domestic life in no small degree depends; and it is only because I am convinced that there is no ground for the fears which are entertained as to the results of the proposed change, and that the law, as it at present exists, is no less mischievous in practice than it is unjust in principle, that I have been induced again to bring in the Bill now before the House. It is certainly not from any love of change, nor is it on any merely theoretical grounds that I am anxious to proceed; but it is because I am satisfied that the present state of the law is the cause of daily misery and almost daily crime that I propose its alteration. Indeed, for the law itself, in its present state, I scarcely expect to find a defender. The time has passed when we shall hear of its perfection—of its perfect adaptation to the relative position of husband and wife, and of the proof which it affords—as I think Blackstone said it afforded—of the exceeding tenderness which it manifested on the part of our legislators for the wants and feelings of women. However long that law may have prevailed in this country, however high its sanctions, if I have been able to learn anything of the state of public feeling, if I can learn anything from the Bill brought in by those who were last year my strongest opponents, it is now all but universally condemned. By that law half the married people of this country are pronounced unfit to exercise any right of property whatever. With respect to personalty, by the act of marriage a woman's property is at once forfeited. It may be, and doubtless is, an honourable estate into which she enters; but as to such property, it produces much the same effect as a conviction for felony. She forfeits what she previously possessed—she forfeits any which might come to her by gift or bequest — any which she might earn by her own industry or talent—all passes from her, and becomes at once and absolutely the property of her husband; and this law, as it now operates, has been the result of accident rather than design. It has arisen from a gradual change of circumstances, and has not been arrived at on any principle. The wife's position formerly was far more favourable, so far as it was regulated by the common law. The property of the country was then almost wholly what is known to lawyers as real property; and, with respect to such property, although the husband had the use of it during their joint lives, he could not part with it—the property remained with the widow, and she had also her right of dower, which gave her for her life one-third of all that she had at any time during marriage possessed. But by recent legislation, with the view of simplifying the transfer of land, she has lost this advantage, and has gained nothing to counterbalance it. This is the law which our Courts of Common Law are bound to administer, and it is so manifestly unjust that it could not have lasted to the present day if it had not been for the relief afforded by our Courts of Equity; for it is not the least remarkable thing connected with our law of husband and wife, that we have two perfectly different systems, founded upon two perfectly opposite principles, administered by Courts of co-ordinate jurisdiction. While our Courts of Common Law ignore any right of property in the wife, by our Courts of Equity it is recognized and encouraged. The House knows well that in practice the wife's property is secured to her by means of marriage settlements, the provisions of which are enforced in a Court of Equity; and there is probably not a Member of this House who, upon the marriage of a daughter, does not pronounce his condemnation of the principle of our common law by securing to her, by means of a settlement, the enjoyment of her property. Now, with these settlements I do not propose to interfere—they will probably continue to be made hereafter much the same as they have been in times past; and, consequently, the Bill, if it should become law, will make very little difference in the position of the richer class. But, unfortunately, these marriage settlements are for the benefit of the rich only. In their case the common law is, in fact, abrogated; but it is in their case only. Settlements are not suited to those who possess small fortunes. Who would think of tying up in settlement a £50 or £100 legacy? Indeed, the Courts of Equity refuse to interfere in cases where a legacy to a married woman does not exceed the sum of £200. But, unsuitable as they are to cases of small fortunes, they are wholly inapplicable to the cases of those earning wages. Does the House know how many there are of these cases? It appears, from the Census, that there are no less than 800,000. Are these to be without relief? Remember, the law depriving a married woman of a separate estate is condemned and virtually abrogated in the case of the rich. Is it possible for us to continue it in full force in the case of the poor? The House can scarcely be aware how hardly this law operates, and how extensive is the evil. I ventured, when I addressed the House last year, to refer to cases which had occurred in the Court over which I have the honour to preside. I was told by a right hon. Friend near me that these were sensational cases, and that the House ought not to be asked to legislate for sensational cases. Permit me to say that, if they were sensational, they were not exceptional cases. There is not a clergyman labouring among the poor, there is not a district visitor who could not multiply them a hundred-fold. The evidence taken before the Committee upon this subject, two years ago, was conclusive upon this point. We examined witnesses from all classes—clergymen, district visitors, manufacturers, police magistrates—and they all agreed as to the extent and the greatness of the evil. I will not, at this time, weary the House with many extracts; but I cannot help referring to the evidence given by the hon. Member for Sheffield. No one was better qualified to give information on the subject. He employed upwards of 2,000 women, of whom 800 were married, and when asked to give the Committee the result of his experience, he said—

> "I will give the Committee two instances which I know at this moment. One is that of a woman who married a widower having one child; she took that child, and has been very kind to it, and brought it up. She had a good home of her own when she married this man, and yet this man has persecuted her and neglected her, and his drunken conduct has been so bad that she was obliged to take her furniture and go away with his child. That man has taken her articles of furniture out of her house while she has been at work, and would repeatedly have sold the whole but for the neighbours interposing some obstacles to prevent him from making off with all her property. I know another case of an excellent woman, whose husband has really driven her away; acting on the principle of killing no murder, he has just stopped short of that in his cruel and abominable treatment of her. She went away from him, and got a little home together of her own. Five years ago she had a legacy left her; I think it was about £50, and the trustees will not pay it to her without her husband's signature, and she dare not tell him, because he would go and draw it, and spend the whole of it. It would be a great comfort to that woman if she could have that money; it would help to set her up in a little way of business, and do her a deal of good. I have a number of cases of this kind come before me of women who marry early, and when they marry they can earn often as much as the man; the men get sometimes into dissipated habits, and the women have to keep the family, and on Saturday, when they take their earnings home, the men will take the earnings which ought to keep the family away from them, and spend them in drink. I have known many cases of that kind. It is very lamentable to see to what an extent the earnings of women are often dissipated by bad husbands, and they have no protection. I have known cases where the husbands have drawn the wife's savings out of the savings bank, and spent them. Of course they have been deposited in the husband's name."

When asked what the feeling of the women on this subject was, he added—

> "I have talked to poor women in this position, and the mere mention of this subject always brings tears to their eyes. They say—'Oh! if we had but some means of taking care of our earnings, we would be exceedingly grateful for it.'"

But I am glad to say that the desire for an alteration in the law is not confined to the women. The hon. Member stated that he was sure that the thinking, sensible working men would be in favour of it. But we have even better evidence on this point than the opinion of the hon. Member. There is in Rochdale a co-operative society with 7,000 members, including many married women who hold shares in their own name. In some cases the husbands have claimed these shares, to which, of course, they have a legal right; but the Committee, consisting as it does entirely of working men, have invariably resisted the claim, and such is the state of public feeling that in no one case has the husband's right been enforced. I have heard of another co-operative society where a similar course has been pursued. In legislating, therefore, in the way I propose, we shall not be running before public feeling, but shall be rendering that legal which in these cases is done in defiance of the law. The effect of the present state of the law seems to be equally bad on the husband and the wife. It makes—as one of the witnesses said—"the men idle and the women reckless." I was struck with the evidence of a clergyman who was examined, who spoke of the effect produced in a district where the hard earnings of a wife had been carried off by her husband. "It makes," he said, "the poor women gather together in the street, saying—'What is the use of a' body striving.'" The fact is, as another witness said, it produces a hopelessness that cripples exertion. We come, then, to the question — What is the fitting remedy for this acknowledged evil? An extension of the principle of marriage settlements has been suggested; but that, as I have shown, will not afford the necessary relief to the married women of the poorer classes. Again, it is said that protection orders might, upon application, be granted by magistrates; but that would be the surest mode of producing the discord which our opponents profess to dread. The application to a magistrate would be viewed as a declaration of war, and all the witnesses assured us that as a remedy it would be futile, as it would never be applied for till the case was desperate and the mischief done. Those who suggest this as an appropriate remedy, little know how faithfully the poor woman clings to the man she has chosen, and how much she will bear before she makes known her sufferings. There is one man, indeed, who knows it well, and that is he who ventures to interfere in a matrimonial quarrel, and to take the part of the injured wife. I propose to strike at once at the root of the evil, and that the act of marriage shall no longer operate as a forfeiture of the property of the wife, and that that shall be done directly by the law which is now done indirectly by the Court of Equity. Lord Cottenham, in one of his judgments, has described the course pursued by the Courts of Equity—

> "When," he said, "the Court of Chancery, looking to the interests of society, first established the separate estate of a married woman, it violated the laws of property between husband and wife; but it was thought beneficial, and it prevailed."

What are the objections to this proposal? We are told that it will promote divisions in families, and that the husband will be deposed from his headship. I say now, as I said before, that as a married man I am ashamed to hear it argued that family union and the lawful authority of the husband depends upon his having the power to deprive the wife of her property. But, surely, experience here may be our guide. Lord Cottenham tells us that it has been found beneficial to violate the laws of property in order to establish the separate estate of the wife, and that therefore it has prevailed; and I appeal to hon. Members whether, in their experience, they have found in the case of the rich, where the wife's property is secured to her and forms her separate estate, those evils which are now apprehended in the case of the poor? But it is objected that the Bill will introduce all sorts of anomalies, and that under it there will be great difficulty in enforcing the rights of creditors, as they will not know whether to sue the husband or wife. There is, indeed, a clause in this Bill which will obviate that difficulty in no small degree; but the same difficulty exists under the present law. Complaints have reached me, not a few, of tradesmen who have given credit to a large establishment, and have found that the husband has no property in it, and that they have no remedy against the wife. One case was mentioned last Session, by my hon. and learned Friend the Member for Dover, of a noble Lord who kept such an establishment, and who, when a creditor seized his portmanteau, was found to be not only penniless, but breechless and shirtless—as every coat and every shirt was the property of his wife's trustees. I come now, I believe, to the last objection, that there is a want of reciprocity, as the wife will retain her own property, and that the husband will still remain liable to the payment of the debts. This matter was much considered by the Committee to which the Bill was referred, and they reported as follows:—

> "It does not appear to be necessary to make any alteration in the liability of a husband to maintain his wife, in consequence of such a change in the law with regard to the property of married women. A married woman living apart from her husband can only bind him for what is necessary, and her possession of property of her own *pro tanto* negatives the authority arising from necessity. A married woman living with her husband has an authority which, in spite of some fluctuation and uncertainty of judicial decisions, seems to be regulated by the general principles of the law of agency. Agency is a mixed question of law and fact, and the Courts will give due weight to such a fact as the possession of property by a married woman without any express statutable direction."

The law upon this point has, I think, been much misunderstood. In one of the most recent cases it was held that where a wife has been supplied by a tradesman with articles suitable to her station in life; the husband was not liable, because he had forbidden her, although unknown to the tradesman, to incur the debt; and, invariably in these cases, one question put to the jury is, whether the wife has means of her own? If so, she must pay for anything for her exclusive use. With respect to the support of the children, the Bill imposes upon the wife the same liability which by law is imposed upon the husband, and that is what may be called the Poor Law liability. We trust—and, generally speaking, we are right in trusting—to the natural affection of the father, and no one will doubt that we may as safely trust to a mother's love. We have, however, something better than theory or conjecture to guide us as to the probable effect of the change which I propose. There is, I believe, no civilized country which has adopted the law which has prevailed here. It did, indeed, exist for a time in the United States of America as a part of the English law which the founders of those States carried with them across the Atlantic. But in State after State has it been repealed, and in none have the ill-consequences followed which are apprehended by our opponents. The change was strongly opposed there as it is here—the same arguments were used, the same objections urged, but all are now agreed that the change has been beneficial. We had the strongest testimony upon this point from American witnesses. Mr. Dudley Field, of New York, whose name is so well known in this country, told us that—

> "Scarcely any one of the great reforms which have been effected in this State has given more entire satisfaction than this."

Mr. Fisher, from Vermont, said—

> "I do not believe that I have ever seen an individual in the State who wanted to go back to the old law."

Mr. Washbourne, a Professor of Law, at Harvard University, said—

> "I regarded the first inroad upon the common law with apprehension that it would cause angry and unkind feeling in families. I am so far convinced of the contrary, that I would not be one to restore that common law if I could."

This opinion is not confined to lawyers. Mr. Atkinson, a manufacturer at Lowell, said—

> "The objection of the opponents of a separate estate for women, on the ground that it will promote division in families, simply suggests a smile. No such result has followed from our legislation, except where the brutality or laziness of the man has rendered such separation proper and right."

The law has been changed, too, among our own fellow-countrymen in Canada; and Mr. Rose, the Canadian Minister, states—

> "I have not heard any desire on the part of either men or women to return to the old law."

I am supported, too, in the change I propose by high authority on this side of the Atlantic. Some years ago a Commission was appointed to prepare a Code for India. I find in their Report the following recommendation:—

> "It has been necessary for us in one or two cases to introduce provisions affecting rights as between living persons. We propose that a man shall not, through the mere operation of law, acquire by marriage any interest in his wife's property during her life; but that she shall continue to possess the same rights with reference to it as if she were unmarried, and shall have full power to dispose of it by will."

This recommendation was signed by the present Lord Romilly, Sir William Erle, Sir Edward Ryan, the present Chancellor of the Exchequer, and Mr. Justice Willes, and now forms part of the Code of India. These are the grounds upon which I ask the House to read this Bill a second time. The question which the House will really have to decide to-day is, what is the best mode of remedying the evils which I expect will be admitted to exist. The Bill which I introduce has, at any rate, been well considered. It has passed through two Select Committees of the House. By one its principle was affirmed; by the other its details, after full and very careful consideration, were determined. On the one of those Committees we had the assistance of the Law Officer of the late Government. On the second, that of the present Solicitor General. I am not so bigoted to the Bill which I have assisted in framing that I would not gladly adopt any other by which unanimity could be obtained, and by which the evils of which I complain would be removed. But I implore the House not to adopt a half measure. If they should be induced to adopt a plan of which we shall hear more presently, they will indeed afford relief to a few of the richer classes, who, through negligence, indifference, or ignorance, have not had their property protected by marriage settlements; but will do little or nothing for the working classes who are suffering from the present state of the law. They will protect the rich woman's Consols, but they will not protect the poor woman's mangle; and the relief, slight and inadequate as it will be, will be obtained at much greater risk of producing domestic discord, than would be incurred by adopting my fuller measure. But if the House will strike at once at the root of the evil, and place the relation of husband and wife upon a just and equitable basis, it will soon be here, as it has been found on the other side of the Atlantic, that the idea that family division would be the result will suggest only a smile. They will receive the blessing of multitudes of toiling women who now, when they see the hard earnings of a fellow-workwoman swept away, gather together in the streets, saying—"What is the use of a'body striving." And they will have the higher reward of witnessing the great improvement in the working classes, which will be the natural and necessary consequence of increased self-respect, arising from increased sense of responsibility among the women, and increased respect for womanhood among the men. One word more, Sir, and I have done. I have reason to know that the women of this country feel deeply on this question; the poor women, especially, feel that they are suffering a grievous wrong. I have to appeal on their behalf to a Legislature elected exclusively by men. I trust that it will appear that the Members of a Legislature, so elected, are as keen to discern the evil, and as earnest in applying a remedy, as if the appeal were made on behalf of those whose voices could be heard at elections, and whose votes could be recorded at the hustings.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Russell Gurney.*)

Mr. RAIKES said, that having, in the exercise of his duty last year, moved the rejection of this Bill upon its third reading, he felt it to be due to the House that he should explain the reason why he did not adopt that course on the present occasion. He fully agreed with the right hon. and learned Member (Mr. Russell Gurney) as to the miserable and scandalous state of the law on this question, and as to the absolute necessity for a great and speedy change. At the same time, he did not think the House should commit itself to the details of this measure, and he was afraid that, in endeavouring to relieve us from existing evils, the right hon. Gentleman's Bill would involve us in others far worse. He (Mr. Raikes) had himself introduced an alternative scheme, and he trusted that the House would read both Bills a second time on that day, in order that both might be considered together by a Select Committee. He must remind the House that the principle of the Bill of his right hon. and learned Friend had received affirmation as regarded some of its most important clauses, when it was considered by a Select Committee, only by the casting vote of his right hon. and learned Friend. The Government had promised to deal with the question of law reform; the fusion of law and equity must necessarily affect the rights of married women; and that alone was a sufficient reason for withholding their full assent from the measure under discussion. The Bill proceeded practically upon an assumption that the first act of every husband was feloniously to appropriate to himself his wife's property. He did not doubt the singleness of the intentions of his right hon. and learned Friend—they were above suspicion—but the object of those who supported him was two-fold, including the recognition of the novel principle of civil equality between the sexes. Imaginary rights were mingled with the real wrongs of women. With regard to the operation of the Bill if it passed into law, he believed an inducement would be offered to a husband to exercise duress, in order to obtain possession of the property which the Bill gave to the wife alone. An hon. and learned Member, who was not now present, had acquired a kind of oracular position in the House on these subjects. He alluded to the hon. and learned Member for Richmond (Sir Roundell Palmer), who, at a recent meeting of the Juridical Society, had expressed an opinion adverse to altering the present position of married women. In France, before the Revolution, there existed two systems, under the name of the *Dotal regime,* in the first of which a portion of the wife's property was assigned to the husband, while over the remaining portion, called the *paraphernalia,* she had the entire control and management; but, under the second system, called the community system, the husband had control over the wife's property until the community was dissolved by death or separation, and the wife could not alienate any portion of her real property without the husband's consent. There was another form of the *Dotal régime* in Scotland. Was it not, then, rather rash that we should take so summary a step as that proposed to be taken by this Bill? In America husbands and wives lived in hotels, without the comfort of the homes in which the English so much delighted, and their case did not apply to us. He would protect the wife, not merely against the rapacity of the husband, but against her too great willingness to give up her property to her husband, and he would do this by the appointment of an official guardian over property which ought to belong to herself, and to go to her children. He would propose that the husband should, in the first instance, be the trustee of any property belonging to his wife, but that the wife should have power to oust him from his trusteeship by application to a County Court Judge. He deprecated the passing of this measure, on the ground that it would disturb the peace of every family, and destroy for ever that identity of interests at present existing between husband and wife, which had hitherto been regarded as the basis of the Christian family, and the peculiar characteristic of English society. The House was asked to create a factitious, an artificial, and an unnatural equality between men and women. But he also objected to the Bill, on the ground that it created an inequality between husband and wife; it retained to the wife the sole use of her property, and yet still obliged the husband to support the family. He asked the House to pause, and not to legislate on the eloquence of his right hon. and learned Friend, but to pass the best of the two measures. He asked it, further, to appoint a Select Committee on the Bill, and also on his (Mr. Raikes') Bill, for the purpose of obtaining a dispassionate settlement of this important question, lest when they endeavoured to give a great boon to society they should pass a Bill which would be unjust and humiliating to Englishmen, and would be still more unjust and, in its ultimate results, humiliating to English women.

Mr. JESSEL said, the hon. Gentleman who had just sat down had obviated the necessity of discussing the principle of the measure by introducing one himself for the protection of wives from brutal and fraudulent husbands. The question, then, was the best mode of accomplishing a common object, and he thought that those who had read the two Bills before the House would be of opinion that the Bill of the Recorder of London (Mr. Russell Gurney) was not only the one best calculated to accomplish the object but was the only one that the House could adopt for accomplishing it. They had heard from the hon. Member for Chester (Mr. Raikes) a great many objections against the Bill. In the first place, he had told the House that though the Bill had been before the Select Committee, the most important clause in it had been only carried by the casting vote of the Chairman. Now, he (Mr. Jessel) had had the honour and the pleasure of sitting on that Committee, and he was totally unaware of that fact. Then it was suggested that the Government were about to introduce a great measure of law reform, which would include the fusion of law and equity; but he saw no reason for waiting for this large measure, when there was already a Bill before the House for accomplishing a portion, at all events, of its purpose. Another objection was that the Bill assumed that the husband was a villain. Now, what was desired was to deter from crimes by creating a fear of punishment. Because they passed laws against theft they did not stigmatize all citizens as thieves; nor did they, by passing laws against bad husbands, stigmatize all the married men in the country as villains. The hon. Gentleman said that some husbands did seek to deprive women of their property. Well, if so, they were villains. The Bill did not interfere with the Courts of Equity, which treated women as the weaker vessels, and accordingly protected their weakness. They admitted that the woman was entitled to protection, and they wished to surround her with a means of escaping from the coaxing or bullying of the husband who wanted to get hold of her property. The Bill, in fact, was a poor woman's Bill. It was intended to apply to the cases of women who were left unprotected by settlement, and to them it would afford protection in the only way in which it could be given to them —by making them the legal owners of their own property. His objection to the measure of the hon. Member for Chester was, that its first clause transferred to a trustee all the property of a married woman, except such parts as were transferable by mere delivery. The property of poor women consisted generally of a few clothes, a little furniture, and, perhaps, a small sum of money; and this, the property most urgently needing protection, would be excepted from the operation of the hon. Member's measure. He asked the House to read a second time the Bill of the right hon. and learned Member for Southampton, and not consent to its being sent to a Select Committee.

Mr. CHARLEY said, the principle of the Bill of the right hon. and learned Member for Southampton (Mr. Russell Gurney) was, that the doctrine that the property of the wife vested in the husband should be reversed. The principle of the other Bill was, that the existing system should be retained, but that the husband should be made a trustee for the wife, who should, however, be at liberty to ask for the substitution of a trustee in whom she might place more confidence. The right hon. Member for Southampton did not protect married women—a married woman had to deal with her husband as a *feme sole;* and there was nothing to prevent the husband from worrying or bullying her out of her property. He thought the Bill of the hon. Member for Chester (Mr. Raikes) was preferable, because it extended the principle acted upon by the Courts of Equity. He was in favour of giving to widows and spinsters the rights enjoyed by men; but he was not in favour of giving those rights to married women, and if the Bill of the right hon. and learned Recorder (Mr. Russell Gurney) became law, married women would be entitled to vote in respect of their property.

Mr. STAVELEY HILL said, he should support the Bill of the hon. Member for Chester (Mr. Raikes), because it extended the power of the County Court Judges to prevent the earnings of poor women from being squandered by dissolute husbands.

Mr. HERMON said, that as a large employer of labour, he thought the Bill of the right hon. and learned Member for Southampton would, of the two, give the best security to poor women for their earnings; but in Committee several important alterations would have to be made.

Mr. MUNDELLA said, he never passed his factory gate without having inquiries addressed to him as to when Parliament was going to pass this Bill. He knew of scores of cases in which the earnings of poor women were taken out of their hands by their husbands on Saturday evenings and spent in drink; and of the case of a poor paralyzed woman who had maintained herself for some years, and who had lately had a legacy left her, but the trustees dare not pay it her lest the husband should get it. There were many such cases. He trusted that the House would pass the Bill of the right hon. and learned Member for Southampton.

The SOLICITOR GENERAL said, he could not refrain from congratulating his right hon. and learned Friend opposite (Mr. Russell Gurney) on the advance which this question had made since last year. Why, last year, the hon. Member for Chester (Mr. Raikes) moved the rejection of his right hon. Friend's Bill; but the hon. Gentleman now came forward with a Bill of his own, which was a great advance on his speech of last year. If he were not afraid of breaking the rules of the House, he should say that this was a great example of a Raike's progress. He thought that this Bill should pass a second reading on broader grounds even than those put forward by the right hon. Gentleman. He (the Solicitor General) did not regard it so much as a woman's question, or even as a poor woman's question, but simply as a question of justice. If A, by law, took away the property of B without B's consent, that seemed to him, unless there were an overwhelming necessity for it, to be an unjust state of the law. The Court of Chancery existed chiefly to mitigate in some respects this inequality in the laws; in the case of persons who had recourse to it. Persons of prudence and experience had recourse to marriage settlements, and the Court took upon itself to violate the law, and set up the rights of married women to property against the decisions of the Law Courts. And why should not this protection, which was thrown around the rich by the force of marriage settlements, be thrown about the poor by law? On the broadest ground he gave his cordial assent to this measure. He trusted that a measure to promote a fusion between law and equity would shortly come down from the other House; but with regard to the present measure tending in the same direction, there was no reason why its immediate passing should be delayed.

Motion *agreed to.*

Bill read a second time, and *committed* for *To-morrow.*

MARRIED WOMEN'S PROPERTY (No. 2) BILL—[BILL 22.]

(*Mr. Raikes, Mr. Staveley Hill, Mr. West.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Raikes.*)

MR. JACOB BRIGHT moved that it be read a second time upon this day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Jacob Bright.*)

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 46; Noes 208: Majority, 162.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

CORPORATION OF LONDON BILL.

(*Mr. Buxton, Mr. Thomas Hughes.*)

[BILL 66.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Buxton.*)

MR. BRUCE said, he had no objection to the Motion, on the understanding that the Bill would be referred to the same Select Committee as the Municipal Boroughs (Metropolis) Bill.

MR. BENTINCK said, he did not clearly understand the views of the Secretary of State for the Home Department on the municipal government of the metropolis, and to give him an opportunity of explaining them he would move that this Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Bentinck.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. BRUCE said, he apprehended that the points referred to the Select Committee on the former Bill were into how many districts the metropolis should be divided, and what the area of each should be. The principle of the former Bill, and of the present, as he understood, was that the metropolis should be divided into districts, with local powers of government, and that principle he supported.

COLONEL SYKES said, he regarded both the former Bill and the present as intended for the destruction of the present municipality of London, and therefore he should oppose the present Bill as he opposed the last.

MR. SAMUDA said, he must also protest against the principle of both Bills.

MR. AYRTON said, he trusted there would be no Division on this Bill, and that all the Bills for the government of London would be allowed to go before a Select Committee, which would have power to deal with the whole question, and might come back to the House for instructions if any difficulty occurred in the investigation.

MR. ALDERMAN LUSK agreed that it was a proper course to send the Bill to a Select Committee if the House agreed to the principle of the Bill; but he did not agree with the principle of the Bill, and he did not know any one who did. He was sure that his own borough (Finsbury) was opposed to the expense that this Bill would entail upon them. He moved that the debate be now adjourned.

VISCOUNT ENFIELD said, he would support the adjournment, as he found there was a third Bill affecting the county of Middlesex, which he must oppose.

MR. BUXTON consented.

Debate *adjourned* till *Monday* next.

TURNPIKE TRUSTS ARRANGEMENTS BILL.

On Motion of Mr. KNATCHBULL-HUGESSEN, Bill to confirm a certain Provisional Order made under an Act of the fifteenth year of Her present Majesty, to facilitate arrangements for the relief of Turnpike Trusts, *ordered* to be brought in by Mr. KNATCHBULL-HUGESSEN and Mr. Secretary BRUCE.

Bill *presented,* and read the first time. [Bill 129.]

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 19*th May*, 1870.

MINUTES.]—Public Bills—*First Reading*—Ecclesiastical Titles Act Repeal * (105); Petty Customs (Scotland) Abolition * (106).

Second Reading — Marriage with a Deceased Wife's Sister (76).

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL—(No. 76.)

(*The Lord Houghton.*)

SECOND READING.

Order of the Day for the Second Reading, read.

Lord HOUGHTON, in moving that the Bill be now read the second time, said, he believed he had taken a somewhat unusual course in privately requesting the attendance of those Members of the House whom he believed to be friendly to the measure. Whether the same course had been pursued on the other side he did not know; but he trusted it would not be implied that this was regarded as a party question, for, in common with the noble Duke opposite (the Duke of Richmond), he strongly deprecated such a view of it. He had now the honour of presenting to their Lordships the first measure of importance which had come up from the House of Commons during the present Session. It had passed that House by a large majority, composed of Members sitting on both sides of the House; and last year the majority in its favour was still larger, and nothing but the lateness of the Session prevented it then coming before their Lordships. The House would, he was sure, give due though not excessive weight to the fact that the Bill had been approved by a very large majority of the House of Commons, as also, to the circumstance that the signatures of the Petitions presented to the House of Commons in its favour exceeded 25,000, while in this House there had also been a considerable number of such Petitions. It was now many years ago that he had had the honour of bringing forward in the House of Commons and of carrying on the second reading a Bill with the same object, and he had long given much attention to the subject. Hence it was, he presumed, that he had been requested to take charge of the present measure — though he thought the task would better have devolved on some noble Lord who could have approached the question as a new one, and could have regarded it with more distinct reference to present circumstances. Now there was, at starting a feature which distinguished this from questions which ordinarily came under the consideration of their Lordships—namely, the fact that part of the opposition to the measure was founded on a deep religious conviction in the minds of many persons that marriage with the sister of a deceased wife was wrong in the sight of God. Such a conviction he could not but respect, nor could he hope to shake it by any eloquence or arguments at his command; but he had a right to demand that such a doctrine should not rest on inference or deduction, but on an utterance as distinct as that which pronounced the Decalogue on Mount Sinai. The religious objection ought to be proved clearly and distinctly, and if their Lordships believed that marriage with a deceased wife's sister was emphatically and unmistakably forbidden, they would, of course, be bound to vote against the Bill; but if they had no such profound conviction, he would remind them that constructive sins were no better than constructive treasons. No just man would impose disability and misery on other men if he merely thought a thing to be right; it was necessary that he should know it to be right on absolute and unshakable authority. He did not, in saying this, imply that the Levitical law was in no way binding, for that great code was in harmony with the convictions of universal morality, but it must be taken with the limitations of circumstances, time, and place; it did not pretend to speak to the whole of mankind, and if construed in a vulgar and literal sense, it lost all its real beauty and meaning. On this question nature was indifferent, and custom was variable and arbitrary. Nature was surely indifferent, for who professed to regard this union as one from which the general nature of mankind recoiled? There lingered, indeed, the notion that, man and wife being "one flesh" the position of the husband and wife was such that all the relationships of the one were the relationships of the other. To extend this notion, however, to the connections of the wife after her death, and when the tie — whatever it might be—was broken, seemed to him to be the very extravagance of analogy. That theory, no doubt, once had considerable power; but their Lordships would be much more imaginative than he expected if they allowed themselves to be guided by it. As to custom, it would be impossible to find a case where it was more amusingly at variance than the custom of marriage. He was authorized by one of the highest authorities among the Hebrew community in this country, a scholar and a doctor, to assure their Lordships that up to the time of the coming of our Lord there was never the slightest dispute or doubt in Jewish tradition as to the interpretation of the verse in Leviticus so often cited; that the interpretation which had been put upon the words "during her lifetime" was inadmissible; and that the prohibition of marriage with a wife's sister had always been regarded by the Jews as limited to the wife's life, marriage with a deceased wife's sister having always been, and still being, allowed among the entire Jewish community wherever they were spread over the face of the globe. With regard to the Christian dispensation, he was not inclined to lay much stress upon the circumstance that little or nothing was heard of the matter for the first three or four centuries. He did not think the supporters of the Bill were entitled to infer that there was any definite opinion on the subject, nor had its opponents the right to infer that there was any absolute custom. One opinion on which much stress was laid was a letter of St. Basil, of great interest even from an antiquarian point of view, and the date of which, according to the best authority, was A.D. 370. St. Basil there went fully into the question, and condemned these marriages. But their Lordships must remember the spirit and temper which had grown up in the Church with regard to marriage at that period. At that time the view taken of marriage in the Christian Church had become very much disturbed and distorted from the original Christian idea of marriage. The letter of St. Basil, indeed, was subsequent to the decree of the Council of 305, which absolutely prohibited the marriage of the clergy, and sought by every means to control and discourage the sacred state of marriage, marriage with a deceased wife's sister being placed under penance. St. Basil's letter, therefore, was merely a symptom of the temper of the Church, which led it from one absurdity to another, until the Emperor Theodosius decreed that cousins german who married should be burnt alive, while the Emperor Justinian issued a decree inhibiting the marriage of a godfather and godmother or godson and goddaughter, and even of two persons who had stood in these spiritual relationships to the same child. When this fanaticism against marriage possessed the Church, and it went from one extravagance to another, what was the consequence? Dispensations had to be resorted to as the only way of mitigating them; and when once that custom had been established it was felt to be one too comfortable and profitable to be readily given up. The restrictions therefore continued, dispensations becoming more and more frequent, and the fruits of them greater and greater, till the abuse reached such a height that it conduced in a great measure to the success of the Reformation. Then occurred that peculiar incident which made marriage with a brother's wife one of the turning points in the history of our country. During the first 20 years of the reign of that determined Sovereign Henry VIII., if any of their Lordships had held that opinion on marriages of affinity which some of them would by their votes against this Bill express tonight, he feared that even the wisest and best head among them would not have been secure on his shoulders. Subsequently, no doubt, that opinion became one which might be safely held—it became the law of the land, and marriages of affinity were declared as illegal as those of consanguinity afterwards, during the reign of Philip and Mary. The law against marriages of affinity was abrogated, and these marriages were declared to be legal. Did their Lordships suppose that had there been issue of the marriage of Henry and Catherine of Arragon or, at a later date, of the marriage of Philip and Mary, any doubt would at this moment have been entertained of the validity of marriages of affinity? But history took another course. Elizabeth came to the throne—that great Queen was the daughter of Anne Boleyn —and the whole current of legislation on this question was changed and ran dead against the validity of marriages of affinity. Hence the source, and the only source, of the present state of our law. He would not rest much weight on the question whether these marriages were voidable or void, for he believed they were absolutely illegal, though the peculiar constitution of the Ecclesiastical Courts, to which they were submitted, was such that no suit could be instituted after the death of any of the parties; so that, if no suit was instituted during their lifetime, it was supposed that these marriages were legal, and the issue legitimate. He did not attach any value to that view; but why was it that, while all other relationships of consanguinity or affinity were held so sacred by the English people that no advantage was generally taken of this loophole in the Ecclesiastical Courts, such advantage was largely taken in the case of marriage with a wife's sister? The obvious reason was that the latter was not repugnant to the minds of the people of England. The time ultimately came when precise legislation appeared necessary, and Lord Lyndhurst's Act was passed, which provided that if within two years no proceedings were taken existing unions of this kind should be deemed valid, but absolutely prohibiting such marriages for the future. He was aware that it was frequently said—and he was sorry to say believed by many, that the motive of that Act was to decide the succession of one of the most distinguished families in their Lordships' House. He did not think that this was the case; at any rate, too much was made of that circumstance, for the subject operated much more widely than for one family. But the very fact that one of the greatest families in the land, distinguished for the purity of the life of its members, shewed that these marriages were not repugnant to the religious or social feeling of the people; for it could not be supposed that this family, holding so high and conspicuous a position, would take a course entirely exceptional to the feelings of the people on the subject—in fact, they were actuated by the same feeling as the poorest and humblest citizens. But if that was their Lordships' decision on a Bill that was purely retroactive in its character—that legalized all marriages of this nature for two years before its passing and rendered them illegal for all time to come—a measure so opposed to all principles of justice and religion—could they for one moment pretend to doubt that the Bill which he then had the honour to bring before their Lordships did more than to confirm, extend, and apply that Act to the desires and hopes of the British people? Lord Lyndhurst's Act, however, unreasonable as it was, did nothing whatever to check these marriages. They went on just as much as ever; and he could bring before their Lordships hundreds of cases which he had seen with his own eyes, some in connection with his own property, and in his own neighbourhood in the North of England, where the law was inoperative to prevent marriages, or where, if marriages did not take place, something worse occurred. That was the ordinary state of matters; it was going on to the present day, and it would continue to go on till they altered the legislation of the country. Nothing that their Lordships could do in the way of prohibition would prevent, it would only aggravate the evil. He asked their Lordships to picture to themselves the case of a person in their own rank, and with their own education, who desired to form an alliance of this kind. He has lost his wife—he found the society of his wife's sister most agreeable—perhaps all the more agreeable because they were bound together by the ties of a common sorrow and a common love for her they had lost. He knew, from his long knowledge and intimacy with her, that there was every prospect of their marriage forming a happy union. He goes to his clergyman for advice—to a learned divine of the Church of England, or, if he be a Dissenter, to a theologian so distinguished as the late Dr. Adam Clarke—and he is told by them that neither see the slightest difficulty to the marriage as a matter of religion, but that he must not do it according to law. Perhaps he goes to some still higher authority—to some member of the Episcopal Bench following the traditions of Hoadley and Whateley, and they tell him that there is no religious objection—that no reasonable man would think there is any objection—but that he must not do it on account of the law. He goes to his neighbour, perhaps to one so high in rank as the Lord Lieutenant of his (Lord Houghton's) county, who he trusted would be found among the supporters of the Bill, or to any one of their Lordships, and there, too, he found no objection other than the legal one—that there would be no social scandal in such a marriage, that he would not be worse received in society on account of it—but that he must not do it because the law forbade it. Now was that the position in which an English citizen ought to be placed—a position of animosity and hatred towards the law, in which he was backed not only by his own conscience, but by the conscientious opinion of the minister of his own Church—of the neighbour he most respected, and of the man he most reverenced? Was not that enough to make his blood boil, and make him wish that he were a Prussian, or, at least, an American, that he might not be subject to such oppressive legislation? Now, if such were the feeling of the man, he would show what the woman thought of this matter by reading a passage from a letter written by a lady, which was far more eloquent than anything he could utter—

> "At the discussion on the 19th, the result of which is so anxiously anticipated as bringing life or death, happiness or misery to so many in our land, statistics will no doubt be read as to the hundreds who have married in spite of the present prohibition; but statistics cannot tell of the many who, like myself, have not found that prohibition a protection in any sense, but who have banished themselves from their only home, and the children dearer to them than all this world, rather than act contrary to the law which forbade that home to them."

Whatever might be their opinions, their Lordships must certainly regard this letter as the utterance of a broken heart. This being the position of a man and woman in England, what was it in relation to our great colonial Empire? Our Colonies had passed Act after Act legalizing these marriages; but the Colonial Office had been obliged by the law of this country to disallow them. In South Australia last February the Standing Orders were suspended in order that such a measure might be carried before the Assembly was dissolved; but his noble Friend (Earl Granville) would have to exercise a veto on that Bill if the present Bill were rejected by their Lordships. Our dependencies—for a reason he could not exactly understand—were better off than our Colonies, for such marriages had been legalized in Ceylon by an Act which the Colonial Office had not disallowed. When people were driven from all other objections to this Bill they usually fell back on the "social" argument, and, among other pleasantries to which the Bill had given rise, a humorous Friend of his called it a Bill for the abolition of aunts. Now, he highly respected that social relationship, but he did not believe any injury would arise from transforming many an affectionate aunt into a still more affectionate stepmother. He would not refer to foreign countries, for it might be said that they had different manners from ours, but he would point to the New England States. Where was there a society better representing all that was purest and most religious in this country than the higher classes in New England? Now persons well entitled to speak on this point would assure them that, so far from any social inconvenience or disorder accruing in New England from a union of this kind, it was deemed one of the most healthful, one of the wisest, and one of the most pious unions that a man could contract; while, in cases where it was not contracted, there was not the slightest difficulty in the wife's sister remaining in the house, provided the gentleman were sufficiently respectable. That, of course, was at the bottom of the question; and, where a man and woman could be trusted, there was no more difficulty in social intercourse than at present existed with regard to cousins, or persons otherwise connected, as to whose relation there was never a thought of the slightest impropriety. This, however, was not so much a question for the higher class, among whom such unions were rare and might, perhaps, be numbered on the fingers; but for the middle, and above all the lower class, where they were frequent. It was difficult to obtain statistics; but they were undoubtedly frequent in certain portions of the country, while through some singular variety of custom there were portions where they were rare. In the North of England they were so frequent and habitual that the House would be inflicting a very serious injury upon the morality of the country if it allowed these hundreds of persons every year to go on in this relationship, breaking at once the laws of God and of man. The Bill itself was of the simplest character, for it did not touch on the religious question, and merely provided that such marriages celebrated or contracted in the office of any registrar should be legal. He perfectly concurred in that limitation, for as long as the least religious difficulty was felt by any Bishop or priest it should be respected. While, however, religious convictions should be respected, their Lordships' peculiar notions of what was deemed proper and advisable should not be thrust on others in a matter which affected the domestic happiness of thousands below them in social rank. The question was not whether their Lordships regarded these marriages as wise or expedient, but whether they had any right to prevent this large number of persons, mostly of a social class lower than their own, from contracting them. If they rejected the Bill they would prolong this uncertain state of the law, and would to a great degree sanction the concubinage which resulted from it, while they would not in the slightest degree arrest what they deemed an evil. On the other hand, if their Lordships should see the slightest weight in his arguments, if they would allow themselves to be influenced by the arguments of those of much greater authority than himself who would afterwards address them, and pass this Act, they would restore a harmony between the law and the conscience of many exemplary citizens; they would restore a fair fame to many honest women, and peace and happiness to many homes.

Moved, "That the Bill be now read 2ª."—(*The Lord Houghton.*)

The Duke of MARLBOROUGH, in rising to move that the Bill be read a second time that day six months, said he could assure the noble Lord (Lord Houghton), who had deprecated that this should be made "a party question," that no sort of endeavour had been made on his side of the House to give this debate any such character. It was well known, indeed, that the noble Lord was privately using the best means he could to make known to his Friends the nature of his Motion, and that the Division would be taken that night, and on this (the Opposition) side steps were simply taken to notify the date when the Bill would be discussed, unaccompanied by any solicitation to come up and vote or any attempt to influence votes accompanying that intimation. He was glad to be able to feel that this was not made a party question, for the issues it involved were too numerous and too important to be merged in the turmoil of party politics, or treated in other than the calmest spirit. The Bill, of which the noble Lord had just moved the second reading, was, he must admit, a great improvement in one respect from that introduced by the noble Lord in 1859, than which none would have been more fatal in its consequences, the operation of that Bill being confined to England, so that it would have allowed a man two wives in Scotland and Ireland and only one in England. He did not regard this as a question for deep religious research, nor would this be the fitting place to discuss the various interpretations of the Divine law. He (the Duke of Marlborough) was unwilling to follow him at any great length into that region of controversy. It was not the occasion to discuss the various interpretations that had been, or might be, put upon certain passages in Leviticus; and in the brief reference that he should make to these points his only object would be to prove that not one sect or denomination only, but all branches and sects of Christian denomination had held the same opinion on this subject since the foundation of Christianity. But he wished, in passing, to point out a fallacy in what had recently been said by the First Lord of the Treasury, in giving in his adhesion to this Bill. The right hon. Gentleman's opinion had changed on this, as on so many other questions, and in announcing that change he had put this difficulty, as one among other causes that had induced him to reconsider the matter—namely, that the difficulty of enforcing the law of one denomination upon the members of other denominations who deny its authority is very great. Now, he (the Duke of Marlborough) wished particularly to point out that this was not, and never had been, the law of one particular denomination only. It was admitted by all that the laws of this country had, from the earliest times, been based upon Christianity, and so far the law of the Church and the law of the land went hand in hand; but the union that existed between them sprang from their common foundation in the Christian faith. Now, in all ages, the opinion of the Church on the question of marriage with a deceased wife's sister had been explicit and unmistakable. The Canons of Basil were clear in their opposition to it. The 78th canon, referring to penalties, said—

> "Let the same form be observed in those also who marry two sisters, although at different times."

The noble Lord (Lord Houghton) had urged that, in the days of Basil, the most absurd notions as to marriage and the celibacy of the clergy were being adopted, and that this unsettlement of opinion gave his judgment but little weight. Were not men's minds, however, unsettled now, and did we not see extraordinary licence in Prussia and America? The same argument, therefore, which shook the authority of that Father of the Church would make the opinions of worthies of our own day equally untrustworthy. The noble Lord had treated this as a doctrine peculiar to the Roman Catholic Church; but at that time such a Church could hardly be said to have existed, though the Church was, no doubt, lapsing into some of the doctrines now distinctive of Roman Catholicism. He would proceed, however, to quote the opinion of a Church which set itself up as one of the purest and most reformed Churches on the Continent—that of the Waldenses. The Rev. Dr. Revel, Moderator of that Church, said—

> "As to the principles maintained by our Church respecting marriages between brothers and sisters-in-law they are those which we find in the Holy Scriptures on marriages between relations. Our Ecclesiastical Discipline, reviewed in 1839, says—'Marriages between brothers-in-law and sisters-in-law, uncles and nieces, aunts and nephews, and between relations at one degree more nearer are forbidden.' I find this same prohibition in the acts of the Synods of 1833, 1828, 1801, and 1879. Our civil law does not permit alliances between a brother-in-law and sister-in-law—that is to say, between a widower and the sister of the deceased wife, no more than between a widow and the brother of the dead husband."

Turning to the Church of Geneva, he found that the 9th decree of the Synod of Vertueil, held in 1567, and drawn up by Calvin, put the question—"What are those cases of affinity which hinder marriage?" The answer was—

> "Let no man marry his brother's widow, nor any woman him who was her sister's husband."

The Lutheran divines of Germany, in reply to the inquiry of Henry VIII., said—

> "It is manifest and cannot be denied that the law of Leviticus xviii. prohibits a marriage with a sister-in-law. This is to be considered as a Divine, a natural, and a moral law, against which no other law may be enacted or established. Agreeably to this, the whole Church has always retained this law and judged such marriages incestuous."

As to Holland, the translators appointed by the Synod of Dort in 1618-19 inserted this marginal note to Leviticus xviii., 16—

> "From this law it necessarily follows that a woman who has been married with one brother may not, after his death, marry with another brother; and, upon the same principle, a man who has been married to one sister may not, after her death, marry the other sister."

That Church, according to Dr. Livingstone, had never deviated from this rule. The ninth canon of the Book of Discipline of the Reformed Church of France, adopted in 1559 and revised by 23 succeeding synods, stated—

> "It is not lawful for any man to marry the sister of his deceased wife; for such marriages are prohibited, not only by the laws of the land, but by the Word of God."

The law of the Church of Scotland was equally distinct. Its Confession of Faith, drawn up in 1645, said—

> "Marriage ought not to be within the degrees of consanguinity or affinity forbidden in the Word: nor can such incestuous marriages ever be made lawful by any law of man, or consent of parties, so as those persons may live together as man and wife. The man may not marry any of his wife's kindred nearer in blood than he may of his own, nor the woman of her husband's kindred nearer in blood than of her own."

These extracts were important as showing that it was not merely the Roman Catholic Church, or the Church of the early ages, or the Jewish Church, which placed this interpretation on the law of Leviticus; but the universal *consensus* of the whole Christian Church was that there was a Divine prohibition against these marriages. Having noticed these authorities he turned to the arguments used by his noble Friend. The noble Lord (Lord Houghton) made some rather severe comments on the Act of 1835, and gave rather a curious interpretation of it. If he understood the arguments of the noble Lord it amounted to this—that the Act of 1835 sanctioned what was now proposed. The noble Lord drew the picture of a family remarkable for high position, great integrity, and virtue, and he said that the Act of 1835 was passed to legalize a marriage contracted by the head of that family. Now, he did not think his noble Friend was altogether correct in the history he gave of the Act of 1835. In the first place, if the marriage to which he alluded had not been questioned in the lifetime of the parties, the Act of 1835 would not have been required. Then the noble Lord used rather a stock-in-trade argument—for he had heard it before—when he turned to the right rev. Bench, and asked whether any of its Members who had supported that Act believed they had sanctioned the gross immorality of these marriages. But the Act merely said that those marriages which had been solemnized before the Act should not be questioned, for the sake of the issue of them; and the Act declared its own intention and effect—that for the future all marriages of that kind should thenceforward be illegal and void. What were the arguments the noble Lord used in favour of his measure? He confessed he had scarcely been able to follow them. He had listened with pleasure to the well-rounded periods of his noble Friend, but failed to discover in his eloquent address any cogent reasons for the measure proposed. The noble Lord said the poorer classes desired these marriages; and he committed a rather remarkable slip upon this point—for he adjured their Lordships to pass this Bill rather than compel the poorer classes to continue "to break the laws of God and man." He certainly thanked the noble Lord for that admission. But he must observe that if they were to legislate to prevent immorality among the poorer classes, he feared they must go a good deal further than the measure of the noble Lord. He did not desire to throw any stigma upon the whole body of the poorer classes, because he was convinced that there were among them as high intelligence and honour as were to be found in the higher classes; but from the education of the former, their associations, their circumstances, and, perhaps, the narrowness of their dwellings, their ideas of morality were more lax, and if legislation was to be conducted with a special regard to them it would have to be of a very different stamp from this Bill. But was it the case that the poorer classes did require this measure? The Commission which sat on this subject in 1847 reported that there were 1,608 cases of these marriages, that only 40 were among the poorer, while the remainder were among the richer classes. The origin of this measure was well known. It did not originate with the poorer classes, but with a small body of rich individuals who had knowingly violated the law, and were now asking not only that the past should be condoned, but that these marriages should be declared legal prospectively. His noble Friend had paused very slightly on the social aspect of the question; and he had shown great discretion in doing so, because it was to the social consequences of the Bill that the most serious attention must be directed. Viewed in this respect, he could not but feel that this Bill was a bold and most dangerous stroke of legislation. Since the first attempt had been made to legalize marriage with a deceased wife's sister, it should be remembered that a great change had taken place in the law of divorce in this country, and, instead of being confined to the wealthy classes, the very humblest persons were now able to obtain release from the marriage tie; and if divorce, which was previously within the reach of only a few, had now become, as it were, a legalized institution, why might a man not marry the sister of his divorced wife? Would there be no shock to public morality if that occurred? If a man might marry his deceased wife's sister, why should he not marry seven sisters in succession? Men had all kinds of tastes; but it would not be a pleasant spectacle to see a man taking sister after sister, having got rid of the former ones either by death or divorce. Again, if a man might marry his deceased wife's sister, why might he not marry the mother of his deceased wife? Why might not a man marry the daughter of his wife by a former husband? It was not unusual for two brothers to marry two sisters; but then suppose that one of the brothers became a widower and one of the sisters a widow; then the existing brother might marry his dead brother's wife, and thus do that very thing against which there was a strong and special prohibition in Holy Scripture? His noble Friend might say that no one now asked for legislative sanction for such alliances, nor ever would ask for it; but he (the Duke of Marlborough) said in reply that the reason they were not asked for was, that the tone of public opinion had been kept pure by the legislative prohibition that had hitherto existed; but that, if any exception were now to be made, no one had the right to conclude that the first success obtained by the movement would not be made the standing point for further innovations. If this Bill should be passed, a few Sessions only would elapse when other Bills would be introduced to extend still further marriages between persons of other degrees of affinity. What was the state of things in Prussia? Why, in Prussia, marriage between an aunt and a nephew was permissible, and the divorces in Prussia in three years numbered 7,800. Then there was that remarkable country on the other side of the Atlantic, which Members of the other House were so fond of quoting when they desired any radical change to be made in our home institutions. A strange state of things had grown up there in consequence of the prevalent lax notions of marriage. He found in a pamphlet, published by the noble and learned Lord on the Woolsack some years ago, a letter from a clergyman in America, stating that the law and usages of the different States were exceedingly diverse, and in many States divorces were common on account of the most trivial causes. The writer of the letter went on to relate a story of four couples in a dance, and of each man seeing before him a woman who had been his wife, but who had become the wife of another. But "our American cousins" had rather a ludicrous way of putting things, and he had fallen in with an extract showing the effect of the lax notions respecting marriage in America. He believed the extract was taken from an American newspaper, and it was as follows:—

> "I married a widow, who had a grown-up daughter; my father visited our house very often, fell in love with my stepdaughter, and married her. So my father became my son-in-law, and my stepdaughter my mother, because she was my father's wife. Some time afterwards my wife had a son; he was my father's brother-in-law and my uncle, for he was the brother of my stepmother. My father's wife—*i. e.*, my stepdaughter—had also a son; he was of course my brother, and in the meantime my grandson, for he was the son of my daughter. My wife was my grandmother, because she was my mother's mother. I was my wife's husband and grandchild at the same time. And, as the husband of a person's grandmother is his grandfather, I was my own grandfather."

It was added that the man destroyed himself, and the verdict was justifiable suicide. There was one point in the Bill deserving their Lordships' most serious consideration, and on which his noble Friend laid particular stress, stating that he did not desire to violate the religious feelings or scruples of any body of clergymen who might object to perform the marriages which it was the purpose of the Bill to legalize. Their Lordships were aware that marriages were performed in two ways in this country; one way was by civil contract before a registrar, and the other was by a religious service in a church or chapel. The Bill before the House adopted the former method—that was to say, that marriage with a deceased wife's sister should be by civil contract. He thought their Lordships would agree with him that that was one of the most objectionable provisions in the Bill. If the particular marriage in question was deemed a proper one, it ought to be legalized; and if legalized, it ought to be legalized in such a way as to make it compulsory on the clergy to solemnize them. But if the present Bill were adopted, the effect would be that the character of those marriages which had hitherto been entered into by civil contract, would be lowered in a most objectionable manner, and a slur, from which they had hitherto been free, would be cast on them. He had a communication from the Registrar General, whose feelings on this subject, he believed, were strong, and who affirmed that about 8,000 marriages were contracted annually before the registrars, and that up to the present time no slur had been cast on them. He believed, but he was not quite certain, that in the formation of the Divorce Court an endeavour was made to provide that marriages of divorced persons should take place before the registrar; but it was abandoned, because it was thought it would have the effect of degrading marriages by civil contract. The operation of the present Bill, if passed into a law, would, there could be no doubt, tend seriously to depreciate the character of those marriages, and he repeated that he regarded the particular provision of the Bill to which he had referred as most objectionable. He earnestly hoped that their Lordships would not give their sanction to this measure; for whatever might be said in its favour — and the arguments for it were few — there were hundreds and thousands of persons in the country who would view the change in the law now proposed with the greatest possible regret and repugnance. If they once opened the door to such changes in the law they would bring down the morality of the country from that high and exalted position which it had hitherto occupied in the scale of nations. He moved that the Bill be read a second time that day six months.

Amendment moved to leave out ("now") and insert ("this day six months.")—(*The Duke of Marlborough.*)

THE MARQUESS OF LANSDOWNE said, he hoped their Lordships would allow him to state briefly his reasons for supporting the present Bill. The arguments applied to the principle of the Bill now before their Lordships were drawn from religion, from history, and from natural laws. He did not mean to enter at length upon the religious argument; but would content himself with saying that those who opposed the Bill on religious grounds rested their objections mainly on a disputed text. The reading of that text was anything but clear; but were it ever so well ascertained he should object to an appeal to its authority, upon such a question as that now before the House, from the belief that a large section of the community would, where such issues were at stake, be reluctant to admit that they were tied and bound by the merely literal interpretation of the Levitical law. With regard to the historic argument, he did not believe that any rule could be drawn from such ancient periods as the early ages of Christianity in legislating for the 19th century. With regard to what were called natural laws, he would certainly not propose that marriages between men and women were to be regulated solely by the laws and demands of physiology; but he felt that, while on physiological grounds there was a strong objection to marriages of consanguinity, such as those of first cousins, that objection could not be applied to the relation of brother-in-law and sister-in-law. It was not, however, upon these grounds so much as upon moral grounds that the measure was opposed, and it was the social argument with which they had to deal. It was said that if we were to alter the existing Marriage Law we should so disturb the relations which now existed within the family as to alter the position which the sister-in-law now occupied, and render her no longer useful, in the sense in which she hitherto had been useful in the family. He did not think this had been at all satisfactorily made out.

He would ask their Lordships to consider to what extent the position of the sister-in-law was really affected by this Bill. The passing of an Act of Parliament could not alter public opinion; and if a large section of society honestly believed that marriage with a deceased wife's sister was wrong, they would still continue to believe that it was wrong, and would therefore be unaffected by this Bill, which was merely permissive. They were told that it would be impossible for the sister-in-law to remain in the house of her sister without exposing herself to obloquy; but he thought the feeling referred to was largely based on ungenerous prejudice, and he conceived that it was not for Parliament to consider or to legislate in favour of such narrow feelings or petty animosities. As to the argument that the proposal contained in the Bill was inconsistent or dangerous, or both, and that this was the thin end of the wedge, which would be pushed further in future Sessions, to the legalizing of marriage between other relations, he had to observe that, while the number of Petitions presented to Parliament showed that there was a great desire that this Bill should become law, there had not been Petitions in favour of the marriage of other relations. The desire which existed for the legalization of the particular marriages sanctioned by this Bill had not been manifested in favour of other marriages between persons related by affinity; and it was by this fact that the apparent inconsistency of the Bill, in not legalizing all marriages, except those between blood-relations, was to be explained; there could, at all events, be no reason for refusing to pass this Bill upon the ground that it did not ask enough, unless upon the assumption that it was fair to refuse a man bread because he asked for a half a loaf instead of a whole one. The noble Duke (the Duke of Marlborough) had said that the passing of this Bill would lower the character of civil marriages; but he (the Marquess of Lansdowne) could see no reason whatever for supposing that such would be the result. The objections urged against the Bill were not such as to justify their Lordships in rejecting it; and, looking to the slight disturbance which it would occasion on the one hand, and to the fact that, on the other hand, it would place wives in a satisfactory position, legitimize their children, and promote the happiness of families, he should vote for the second reading.

THE BISHOP OF ELY * said, he must crave the indulgence of the House if he entered somewhat at length into the religious principle of this Bill. He admitted that the Bill came before the House in a form different from that in which it had come before it hitherto. It did not propose to compel a clergyman or any minister of religion to solemnize these marriages. He was glad that this was therefore no longer a Church of England question; but still it was a great moral and a great national question. And the very fact that he himself was in this House—the fact that, from the earliest times of the nation, Prelates had in great numbers sat in this House, and even in those earliest times had sat side by side with the Earl or Ealderman in the Courts of Justice of the land, was a symbol and a proof that English legislation in moral questions was intended to rest upon Christian and Scriptural principles. On these grounds he ventured to place before their Lordships the religious view of the question, and he thought it the more needful to do so, because, in the many pamphlets which had been circulated by the advocates of this Bill, it had been quietly assumed that the religious argument had been entirely abandoned by its opponents. Now, the Church of Christ in all ages had held that the moral law of the Old Testament was the moral law of the New Testament, and still the moral law of the Christian dispensation. It was a great mistake to suppose that Christianity had relaxed any portion of the moral law. On the contrary, the whole teaching of the New Testament, and especially of Him whose name he scarcely ventured to mention there, was not to relax but to raise and spiritualize and intensify the moral law. It had been said by the noble Marquess (the Marquess of Lansdowne) that the objections to the Bill rested on the interpretation of one or two doubtful texts. But he (the Bishop of Ely) contended that the existing law rested on the general tenor of the law of the Old Testament, confirmed and re-enacted in the New, and that the arguments for the repeal of that law were those which were really deduced from two doubtful texts. With regard to the famous 18th chapter of Leviticus, its principle was to forbid certain marriages which were common among the Canaanites, and which are condemned as defiling the land. The interpretation of that chapter must, in some cases, inevitably be inferential, as all the degrees of consanguinity and affinity within which it is unlawful to marry are not enumerated, but interpreters have uniformly agreed that parity of reasoning must govern our understanding of it. For instance, there is no prohibition of marriage between a father and daughter, nor between an uncle and niece; but as there is prohibition of the marriage of a son with his mother and of a nephew with his aunt, it is inferred, as a matter of course, that the parallel cases of father and daughter, uncle and niece, are by parity of reasoning included in the prohibition. The same is the case with regard to a wife's sister. The prohibition is inferential, not direct. In verse 16 it is forbidden to marry a brother's widow, and in verse 14 it is forbidden to marry an uncle's widow, because "she is thine aunt." It is therefore incontrovertibly concluded that a wife's sister, being the same relation as a brother's wife, and a still nearer relation than an uncle's wife, is comprehended in the prohibitions of verses 14 and 16. It equally follows, that if thine uncle's wife "is thine aunt," thy wife's sister must be thy sister. The re-affirmation of this general principle in the New Testament is familiar to every one in the words of John the Baptist to Herod—"It is not lawful for thee to have thy brother's wife." These, then, are the general principles of the Mosaic law, and on these, not on one or two disputed passages, the Christian Church in all ages has founded its table of prohibited degrees. Now, the objections which are thought fatal to this principle by the advocates of this Bill are really founded on two passages, which are doubtful at the best, but which, rightly interpreted, have nothing to do with the question. The one is the passage in Deuteronomy xxv. 5, which is commonly known as the *lex leviratus*, the law of brothers-in-law, and is supposed by some to be a formal repeal, as regards at least a particular case, of the law in Leviticus xviii. 16. It is said that "if brethren dwell together and one of them die and have no child, the wife of the dead shall not marry a stranger, but her husband's brother shall take her to wife." Now, first of all, let it be observed that this, which is often treated as a later law of Moses superseding and virtually repealing the law of Leviticus xviii. 16, is in propriety no law of Moses at all. So far from being a later law, the custom prevailed centuries before Moses was born. In all probability it was a custom either among the Chaldees or the Canaanites, and was not so much enjoined as permitted to the Israelites—just as facility of divorce was permitted, not because it was good, but, as we have infallible authority for saying, on account of the hardness of their hearts. We are told by Diodorus Siculus that it prevailed among the Indian, Persian, African, and some Italian races; and we first meet with it many hundred years before Moses, in the family of Judah, who had married a Canaanitish woman (Genesis xxxviii.). Moreover, even this concession is by no means certainly a concession that a brother, in our sense of the word, might marry his own brother's widow. The word "brother" in Hebrew is of very wide meaning, and the translators of the Bible have put as the marginal rendering "next kinsman." "Brother" in Hebrew is continually used for kinsman, and "sister" for kinswoman. The words, "If brethren dwell together," would, indeed, more naturally be understood of a family of kinsmen as distinguished from the "strangers" with whom it was forbidden to the Israelites to intermarry. In a very able and learned pamphlet, on *The Marriage of Brother and Sister in Law*, by Mr. Galloway, it is shown that the ancient Jews did not consider this *lex leviratus* as over-riding the prohibitions of Leviticus xviii, and that, in fact, the next of kin, to whom the widow was given, was not the brother, but some relation not so near to the deceased husband. This, then, is one of the disputed texts. Rightly understood it makes nothing for the advocates of the Bill. And be it observed that its disputed character does not shake our position at all, for we do not claim it, but simply refuse to concede it to our adversaries. The other disputed text by which our opponents strive to shake the testimony of Leviticus against marriage with a wife's sister is the famous 18th verse of the 18th chapter, the words of which in the common translation are, "Thou shalt not take a wife to her sister to vex her, beside the other, in her lifetime." From this it has been inferred that after her lifetime a man might take his wife's sister to wife. Besides other objections to this interpretation, it may be observed that the words rendered "wife to her sister," or more correctly "woman to her sister," occur over and over again in the Old Testament, as does the parallel phrase "man to his brother," according as the antecedent is masculine or feminine, and that wherever else they occur they are, and must be, rendered simply "one to another." It is used sometimes of animated, sometimes of inanimate beings. Thus, in Exodus xxvi. 3, it is said five curtains "shall be coupled one to another," literally "woman to her sister." In Ezekiel i. 9; iii. 13, the wings of the living creatures are joined one to another, literally "woman to her sister." In Exodus xxv. 20 the faces of the cherubim were one towards another, literally ("face" being masculine) "man to his brother." So in Genesis xiii. 11, where human beings are spoken of, they are said to separate one from the other, literally "man from his brother." This was, then, an idiomatic expression of constant occurrence; and our translators, who were ripe scholars and who often put their most important renderings in the margin, have placed in the margin here "one wife to another," and have referred, in vindication of this translation, to Exodus xxvi. 3, where the same words must be rendered "one to another." The passage, therefore, is either prohibitory of polygamy, or else is to be joined to the verse immediately before it in explanation and amplification of that. At all events, then, the two passages from Scripture by which it is proposed to pull down the great Levitical fortress are at the best of doubtful interpretation. This being so, their Lordships will surely be slow to make an alteration in the law, which for centuries has been the law of universal Christendom. It is true that some stress is laid now on the dissent of certain bodies of Christians. The noble Duke who spoke second in this debate has shown pretty clearly how great consent there was in former times. It may perhaps be startling that now the Roman Catholics have come forward in advocacy of the measure which shall give civil sanction to these marriages of affinity. Probably most of us have seen an extract from a letter signed by distinguished Roman Catholic Prelates to this effect. But surely even their words may be claimed as against the lawfulness of these marriages. These words are—"With us the impediment is diriment of marriage." It is therefore conceded at once that there is an unlawfulness in these unions. But then the principle on which the Roman Church goes is this—It is only in the direct line of descent that marriages are contrary to the primary law of nature, and eternally wrong. Other marriages, even of close consanguinity, must have been permitted in the earliest times, or mankind could not have been perpetuated from a single pair; and though afterwards not only marriages of consanguinity, as between brothers and sisters, but of affinity too, are forbidden by positive laws, yet where there is not an eternal moral principle involved, the Church can give dispensation. Still the admission, that generally the affinity between brother and sister-in-law is "diriment of marriage," is an admission of the normal unlawfulness of such marriages. Without presuming to argue with Roman Catholic Prelates on their view of dispensing power, we may fairly say, a marriage cannot be unlawful unless it be contrary to the law of God. In such a case there is no power to bind what has not been bound in heaven. And, on the other hand, if it be contrary to a Divine law, whether natural and eternal or positive and commanded, then we cannot believe that there is any power on earth which can lawfully dispense with it. It had been stated by the noble Lord who opened the debate, that the marriages which the Bill proposed to legalize were very numerous among the poor. In his experience, however, as having formerly worked much among the poor in very large parishes—though he regretted to say that many descriptions of wickedness and other unlawful marriages, such as between uncle and niece, had often come to his knowledge—he had never met with one marriage with a deceased wife's sister among the poor. He was aware that in the public papers a hope had been expressed that their Lordships would give the Bill their assent, inasmuch as in doing so they would be only yielding to the judgment of the nation. He must, however, deny that the nation had pronounced itself in favour of this Bill. There was, no doubt, a very rich and powerful minority which took great interest in the question, and which made itself loudly heard; but he must confess he had never seen anything of that general feeling which was said to exist. There was, at all events, one portion of the community to whose voice in such a case great weight ought to be attached, and the great majority of whom were strongly opposed to this Bill. He meant the women of England. No doubt some women of high character and refined feelings might be in favour of it; but he himself had never yet heard a woman advocate it. As for the hardship on the poor, he doubted its existence. It was comparatively very seldom that a poor man was tempted to marry his sister-in-law. In the humbler ranks of life women married very young, and generally a widower would have great difficulty in finding a sister-in-law unmarried. He would only say, in conclusion, that in no nation had homes been more sacred than in this country. There was a sacredness in the relation of husband and wife, of brother and sister, and of brother-in-law and sister-in-law, which could not be disturbed now without serious danger. He entreated their Lordships not to sanction a measure which would strike a blow at the purity and sacredness of English homes, and which would in the end not tend to produce happiness and comfort, but discomfort and trouble and sorrow.

THE EARL OF KIMBERLEY hoped the House would permit him to say a very few words on the present occasion, being himself one who had formerly had charge of a similar Bill which had failed to pass its second reading, although it was lost by a majority of only 10. He was very unwilling and, indeed, quite unable to follow the right rev. Prelate who had just sat down (the Bishop of Ely) into his elaborate argument as to the interpretation to be put on the Scriptural texts which bore upon the subject. That the true interpretation of these texts was doubtful might, he thought, be very fairly inferred from the variety of opinions on the point, and he was sure the right rev. Prelate, high though his authority unquestionably was, would have the candour to admit that he did not regard his own interpretation as absolutely correct. But, be that as it might, he (the Earl of Kimberley) was prepared in supporting the Bill to take his stand on broader grounds. He for one could not conceive how the code of law laid down in Leviticus could be considered as containing a moral law binding on men for all time. Let him take a case involving the highest considerations of morality by way of illustration of the absurdity of maintaining the contrary view. In Leviticus it was laid down that the adulterer and the adultress were to be put to death; but did any Christian country, he would ask, regard itself at the present day as being bound by that precept? The truth was, that there were certain things in the Mosaic law which were only applicable to the times in which they were enunciated. But passing over, without further comment, the religious aspect of the question, he would briefly advert to the arguments which were urged against the Bill, on social grounds, which constituted fair matter for discussion, and which might be stated without the slighest passion either on one side or the other. For his own part, he could not regard a Marriage Law as being founded on any safe basis unless it had the sanction of the general opinion of the people of the country in which it existed. In that vital respect it seemed to him our Marriage Law was deficient, seeing that there were so many persons who did not look upon it in respect to the point dealt with in the Bill as binding upon their consciences. It seemed to him that it was rather a question of social expediency than of moral law. He never, he might add, could see any great force in the argument derived from what the right rev. Prelate had termed "the sanctity of the home," in the case of a husband and his sister-in-law. Different persons naturally took different views of the subject; and for himself, notwithstanding what had fallen from the right rev. Prelate, he must contend that no man, at all events occupying the social position of their Lordships, could have a sister-in-law of his own age to live in his house after his wife's death without giving rise to scandal; nor did he think he would be able to continue such a relation for any considerable time. That being the fact he thought those who were in favour of the change had the best of the argument. It was contended by the noble Duke opposite that if the present measure were to pass into law other and more objectionable marriages would in course of time have to be sanctioned. But he (the Earl of Kimberley) entirely denied that any such consequences must necessarily follow. As to the Bill being supported by a mere clique, as had been suggested by the right rev. Prelate, to promote their own personal objects, he would simply observe that it was far more likely that a measure which had so frequently been brought before the House of Commons, and which had so often been passed by that House, was one on which a large number of people throughout the country took a deep interest. There might be a small minority active in urging it forward, because no movement could be successful unless it had energetic leaders; but the Bill, he believed, was generally acceptable to the community at large, and he should greatly regret seeing it again rejected in their Lordships' House.

THE BISHOP OF RIPON said, he must ask for the indulgence of their Lordships while he stated the grounds on which he should support the Bill; and he asked for it the more earnestly because it was his misfortune to differ from a majority of his right rev. Brethren, and also from many others whose opinions he greatly respected, and to whose judgment, if it were possible for him to do so, he would gladly bow. The first question which presented itself to his mind in connection with the particular class of marriages which the Bill proposed to legalize was—"What is the voice of Scripture with regard to these marriages?" If that voice had clearly and definitely spoken, if the Word of God had prohibited these marriages, no human enactment could possibly make them lawful. Indeed, the mere attempt to do so would be wholly unjustifiable. After a most patient investigation of the subject, he was entirely unable to arrive at the conclusion expressed by his right rev. Brother who had just addressed the House, that Scripture prohibited these marriages—on the contrary, he believed that tacitly and by implication the law of God permitted them. He would not attempt to follow his right rev. Brother into the intricacies of that verbal criticism which he had made of different texts of Scripture; but he wished to quote the testimony of some who were admitted to be able and learned theologians, whose attention had been specially directed to this particular question, and whose opinions coincided with his own as to the lawfulness, according to Scripture, of these marriages. First of all, he would cite the opinion of a right rev. Brother, whose absence on this occasion, and the reason for that absence, their Lordships must all deplore. The Bishop of St. David's (Dr. Thirlwall), in the course of his speech against the Marriages Bill in 1851, said—

> "The view which he had heard taken in that House respecting the operation of Scripture must, after all, be a mere matter of inference and construction, and, applying himself to that view of the subject, he would only say such marriages as the Bill was intended to legalize were not prohibited, but were tacitly by implication permitted by the words of the chapter which had been so often quoted. He protested against the opinions expressed by those who contended that there existed any Divine prohibition."—[See 3 *Hansard*, cxiv.]

Again, the Rev. Dr. Alexander M'Caul, Professor of Divinity and Hebrew Literature in King's College, London, said—

> "Having again carefully examined the question, and consulted some of the highest authorities in Hebrew literature as to the meaning of the Scripture passages, I am confirmed in the opinion formerly expressed, that marriage with a deceased wife's sister is not only not prohibited, either expressly or by implication, but that, according to Leviticus xviii. 18, (concerning the translation of which there is not the least uncertainty), such marriage is plainly allowed. I confess that when I entered upon this inquiry I had not an idea that the case of those who wish a change in the present Marriage Law was so strong. I had thought that the opinions of grave and learned students of the Bible were more equally divided, and that, as authorities were pretty evenly balanced, they who had contracted such marriages must bear the inconveniences arising from doubtful interpretation. But I do not think so now. Confirmed by the testimony of antiquity and the judgment of the most considerable interpreters at the Reformation, and since the Reformation, I now believe that there is no reasonable room for doubt—that there is no verse in the Bible of which the interpretation is more sure than that of Leviticus xviii., 18; and I think it a case of great hardship that they should, by the civil law, be punished as transgressors, whose marriage, according to Divine law, is permitted and valid; and harder still that the children of such marriage, legitimate in the sight of the infallible Judge, should be visited with civil disabilities."

No one would dispute the Biblical learning of Dr. Tregelles, who said—

> "I fully accord with Dr. M'Caul in his criticisms." . . . . "It is futile to set aside the definite permission given in the Word of God (Leviticus xviii., 18) by considerations drawn from analogy, whether scriptural or unscriptural." . . . . . "That such a restriction is wrong on Scriptural grounds, I feel no doubt at all."

If he (the Bishop of Ripon) stood alone in his opinion that the Word of God was not opposed to such marriages, he should be ready to suspect the soundness of his judgment; but when he found that his opinion was confirmed by some of the ablest and most diligent students and interpreters of sacred Scripture, he felt strengthened in the conviction that the restriction on such marriages as this Bill proposed to legalize was not founded upon any authority of Scripture. If, then, Scripture did not support the existing law, was it wise or right to make by human enactment that to be a sin which the Word of God did not declare to be a sin? Of coure, if the Scriptural argument against such marriages were abandoned those who objected to them were, as everyone acknowledged, thrown at once upon the consideration of this question under its social aspect. Now, it seemed strange to assume that the various social evils which had been referred to would certainly arise in this country, if these marriages were legalized, although in countries where these marriages had always been permitted by law no such evils were found to exist. He believed this was almost the only country in the world in which a marriage with a deceased wife's sister was illegal, and he had not heard that any of the social evils which existed in countries where such unions were lawful could be directly traced to the state of the law. Bishop M'Ilwaine stated that in America, although these marriages were celebrated without disapprobation, he was not conscious of any evils having arisen from them. But it was said that the sanctity and purity of domestic life would be imperilled if this Bill were allowed to pass. He confessed that he had a far higher opinion of the sanctity and purity of domestic life in this country, than to believe that it rested on so weak a foundation as a restriction which was not sanctioned by the Word of God. He believed the sanctity and purity of domestic life would remain unaffected if this Bill became law, as he sincerely trusted it would. All the arguments employed with respect to the social aspect of the question seemed directed against certain imaginary evils which it was assumed would arise if the law were altered;

but there had been no allusion during this debate to the great social evils which existed at the present time, and which might be directly traced to the operation of the law. Was it no evil that we should have a law which it was found in practice utterly impossible to maintain, and which was broken and violated continually? Was it no evil that there should exist among a large class of the population a sense of wrong and oppression, because it was felt that the law of the land hindered them from doing that which by the law of God they were permitted to do? Or was it no evil that the existing state of the law was in many instances directly provocative of crime? He wished to adduce some testimony on this point. His right rev. Brother who last addressed the House (the Bishop of Ely) had stated that he had been stationed in many different parishes with large populations, but that he had seen no evils resulting from the operation of the law as it now stood. The right rev. Prelate's experience had been singularly fortunate. He had himself had the care of parishes with large populations, and he had seen great evils result from the operation of the law. He would not, however, quote his own authority, but would take the testimony of one who was revered by a large number of Christians in this country, and who to the regret of a large circle of friends had been recently removed from among them. The late very rev. Dr. Dale, Dean of Rochester, who for a long period of his life had charge of large parishes, said—

> "So far as my parochial experience extends, the prohibition of marriage with a deceased wife's sister operates far more to the promotion than to the prevention of crime. Among the lower classes cohabitation without marriage is almost invariably the result, while the few conscientious persons who are deterred by the law from forming such a connection are precisely those to whom it would be a benefit. Were the prohibitions founded on Scripture we ought at whatever sacrifice to obey God rather than man; but I cannot see the expediency of a law which, having no such sanction, is observed only by the scrupulous, evaded by the wealthy, and defied or disregarded by the poor."

He would also cite the testimony of another divine whose name was never mentioned without honour. He alluded to the very rev. Dr. Hook, Dean of Chichester, who had, perhaps, had a larger experience than any living man in the charge of large parishes. Dean Hook said—

> "People in general do not consider such marriages improper. They cannot be proved to be improper by Scripture. The question is, therefore, one of expediency, and my experience as a parochial minister induces me to think the measure expedient."

Again, the very rev. the Dean of Carlisle, Dr. Close said—

> "I believe such marriages as you wish to make lawful are already lawful, according to the letter and spirit of Holy Scripture, and I hope the civil and ecclesiastical law will speedily be made conformable to the Divine."

He might also cite the testimony of the Dean of Lichfield, better known as Canon Champneys, who said—

> "It appears to me, therefore, that first, as Scripture shows that there is nothing immoral in such a connection, and, secondly, as it is obvious that much evil would be prevented, many poor children saved from misery and ruin by having that person over them who, in a majority of instances, would be the next best substitute for a mother, my own mind is led to believe that the law of man ought to tally in this respect with the law of God."

Such were the opinions of eminently practical and Christian men who had had wide experience in dealing with large parishes. This Bill would affect a class of cases involving a great hardship which ought to be removed by the Legislature. After the passing of the Act of 1835, commonly called Lord Lyndhurst's Act, there was a general impression—whether a right one or not he would not say—that persons who wished to contract such marriages as were now under discussion might legally do so in a foreign country where such marriages were lawful. It was believed that marriages so celebrated were lawful even according to the law of this land. In numerous instances persons had acted in that belief; they had gone abroad and had complied with all the conditions which they supposed necessary to make their marriage valid; and it was not until a decision to the contrary was recently given in one of the Superior Courts that, for the first time, they learned that they had acted under a mistake, and that their marriage could not be recognized by the law of this country. Such persons had to endure a great hardship in no legal remedy being provided to render valid marriages which had been so contracted. This Bill would have that effect, and for that, among other reasons, he most earnestly hoped that it would pass into law. Believing, as he did, that the restrictions which were sought to be removed were not founded upon any authority of Scripture; that, on the contrary, the Word of God tacitly sanctioned such marriages; that the existing restrictions imposed a burden on men's consciences, and were in many cases provocative of crime; and believing that the alteration of the law would be a great relief to many who justly deserved to receive it, although it was with the deepest regret that he found himself at variance with the opinions of so many for whom he had a profound respect, he must vote in favour of the Bill.

LORD LYVEDEN said, he was anxious to address the House, as, although the Mover of this Bill and Her Majesty's Government had disclaimed all party motives, the Liberal Press had tried to make the support of this measure a test of Liberality. He protested against the assumption that Liberals should be advocates of every bold innovation without considering its advantages. He rested his objection to this Bill entirely upon what would be the social effects of its passing, in considering which their Lordships must proceed entirely upon their own views, for they could not bring to bear any experience, while there were very few facts on which they could rely. Why alter a system which had, according to the Lord Chancellor, existed since the 6th century "and the conversion of Ethelbert?" He denied that this Bill was so universally popular. His noble Friend (Lord Houghton) had truly said it had passed the House of Commons by a large majority; yet, without wishing to depreciate that expression of opinion, he could not refrain from pointing out that, in some cases, the votes of Members of the House of Commons were dependent on the ideas of a handful of their constituents. Let their Lordships look to the number of Petitions that were presented in favour of the admission of Mr. Newdegate into nunneries—[*Laughter*]—he meant his Motion for an inquiry into conventual establishments. For that scheme there were 249,637 signatures—for this only 26,230! Public opinion, in this form, had not shown itself in favour of this measure to anything like the extent to which it was provoked by the other proposal, now generally rejected. The issue raised by the Bill was an extremely narrow one. Why was it confined to one degree of affinity? Why was the aunt to become the best stepmother? All women were naturally fond of children, and kind to them; but, if they had any of their own, jealous of their husband's children by another woman, even if that woman was their sister; and why did not the Bill include wives' nieces, or daughters by former husbands? It was well to suppose the tenderness of a wife's sister; but of what much greater value to a widow would be the assistance of a husband's brother. Yet this marriage was never proposed for the advancement in life of the children. How did this agitation arise? Not from those who wished to alter the law, but from those who had already violated it; who, in their amorous maturity, could not control their passions, and now sought to be put on a footing with those whose modesty or morality had induced them to obey the law. This proposal would be almost compulsory. If a man might marry his wife's sister, he must marry her; for society would never tolerate their residence together unmarried. It was all very well for the right rev. Prelate (the Bishop of Ripon) to say that it was a libel on English women to state that, if these sisters were marriageable, they could not live in their married sister's house; but opportunity assisted immorality, and the permitted familiarity would not be checked by the dreadful notion of an incestuous intercourse as now. This was so felt, that he had heard a comical reason given in favour of the Bill by a gentleman who had three wife's sisters, whom he was desired to retain in his house, and said, if he would deny they were his sisters, as he might marry them, he would get rid of them at once. He would now read to the House a beautiful passage from the memoirs of Mr. Gibbon, setting forth the charms of the relation of brother and sister—

> "The relation of a brother and sister, especially if they do not marry, appears to me of a very singular nature. It is a familiar and tender friendship with a female much about your own age, an affection perhaps softened by the secret influence of sex, but pure from any mixture of sensual desire—the sole species of Platonic love which can be indulged with truth and without danger."

He contended that the further you could spread such pure intimacies between the sexes the greater the advantage you confer on society. The progress of civilization has always been tested by the respect a nation shows to women; and if you find that for centuries past, whether by usage or by Act of Parliament, the wife's sisters have been considered the own sisters, admitted to familiar intercourse and the unrestrained company as such—if you invade this acknowledged rule, you tend to trespass upon domestic comfort and happiness in a way of which you cannot calculate the lamentable results. You say this is only a sentiment. Well, what are half our virtues, and all the graces of them, but sentiments? The love of children is a duty; but what is it without its sentiments? The love of parents the same; but all the pleasure of it is in its sentiments! At least, he hoped the House would not adopt the retrospective part of this Bill which was, however, the most valued by the promoters. Such a mode of legislation would be a most vicious precedent. Surely if the Game Laws were altered all poachers would not be released; or, in the change of any other law, those who had already transgressed it acquitted. He agreed with Mr. Gladstone, who said—

> "These were questions not to be opened, except in great necessity, for they should not tamper from year to year with the Marriage Laws."

It was a large subject. Six years ago a Commission was issued to inquire into the Laws of Marriage, on which sat some of the greatest lawyers of the day in England, Scotland, and Ireland. It was presided over by the noble and learned Lord opposite (Lord Chelmsford). The Report was drawn up by Sir Roundell Palmer—it was laid on the Table three years ago—and he would say had been shelved ever since. There was no reason, with all this mass of opinion and information before them, why they should not legislate on the whole question next Session; but against this particular measure he should vote, from a decided conviction that it would lead to marriages which, if not incestuous, were most immoral connections.

The Bishop of LINCOLN said, he did not hesitate to avow his opinion that the marriages which they were now seeking to legalize were prohibited by the Divine law. In the Divine law, both of the Old and New Testament, it was declared that "man and wife are one flesh;" and, therefore, to endeavour to legalize a man's marriage with his wife's sister is very like an endeavour to legalize his marriage with his own sister. The marriage with a deceased's wife's sister, was forbidden by the Divine law in the book of Leviticus. The Marriage Law in that Book was not the law peculiar to the Jews—it was a law of universal humanity. If their Lordships would look at the 18th chapter of Leviticus, they would see that the nations of the land of Canaan were to be cast out, because they had defiled themselves with the abominations denounced in that chapter. And who were the nations so devoted to destruction? Were they under the Levitical law? Certainly they were not. They were nations before the promulgation of the Levitical law, and where there was no law there was no transgression. Consequently, the law which they were denounced in Leviticus as having broken was no other than the moral code of universal humanity—as the Hebrews themselves said, dating from the Flood itself. Now, in that common law—that law of universal humanity—there were two prohibitions—that a man should not marry his wife's mother, and that he should not marry his wife's daughter. It followed by logical inference that a man should not marry his wife's sister. There might be some who would object to inferences of this kind; but if they were to be given up they would lose some of the highest methods of interpretation of Scripture itself. Our blessed Saviour proved the resurrection of the dead by inference when He deduced it from God's words—"I am the God of Abraham, of Isaac, and of Jacob;" and He added—"because ye know not the Scriptures"—because ye cannot deduce logical inferences from the Scriptures—"ye do greatly err." It was because of this law—which he could not call the Levitical code, but the code of universal humanity—and by action of his reason upon it, he had come to the conclusion that the marriages now proposed to be legalized were prohibited by the law of God. He would remind their Lordships that the true interpretation of the Bible was the Bible—a false interpretation of the Bible was not the Bible. One of his right rev. Brethren (the Bishop of Ripon) had referred to various authorities in support of these marriages. He respected these authorities; but, after all, they were only the authorities of men; they could not be brought into competition with the consistent opinion of 15 centuries of the Catholic Church of Christ—which he held to be the divinely appointed and constituted interpreter of the Bible—and which declared that these marriages were prohibited by the Divine law. To the authorities which his right rev. Brother quoted he would add one more. The first who sanctioned these marriages—an authority not likely to be referred to by his right rev. Friend—was Pope Alexander the Sixth—the infamous Borgia. Their Lordships were, no doubt, familiar with the epitaph composed in reference to him and his daughter, Lucretia Borgia—

> "Hoc jacet in tumulo Lucretia nomine, sed re
> Thais, Alexandri, filia, spousa, nurus."

Were their Lordships prepared to follow in the steps of such a man—a man whose name had been consigned to infamy as one of the worst of the Popes? They were asked to respect the feelings of those who had broken the law; but he called upon their Lordships to respect the feelings of 17,000 of the clergy of the Church of England, whose consciences would be affected by the passing of this Bill. It was very well to say that these marriages were to be solemnized by the registrar; but if that were so, he asked their Lordships to consider what a conflict would arise between the civil and the ecclesiastical power. The Bill was nominally to legalize marriage with a deceased wife's sister; but in reality it was a Bill to sever the connection between the Church and the State. Let their Lordships consider that this law which they were now asked to abrogate was the unbroken law of the Church for the first 15 centuries of the Christian era; that it was not of Papal origin but of purely Apostolic times; that it was contained in all the canons ecclesiastical; that it was renewed and invigorated at the time of the Protestant Reformation, and by the martyrs who shed their blood for the emancipation of truth; that it was the law of the Church of England, and embodied in that table of degrees of consanguinity which they were required to present to the people in their charge. Were they to have respect to the people who violated this law, and were they to have none for those who observed it and wished it to remain unbroken? He entreated their Lordships to consider what would be the position of the clergy under the operation of this measure. Were they to allow parties living in what they regarded as sin to partake of the Holy Communion, and thus to profane the most solemn mysteries of the Church; or were they to set themselves against the law of the land, which it was their desire to teach others to obey? He trusted their Lordships would avert these conflicts by refusing to sanction the second reading of this Bill.

Lord WESTBURY said, he was at a loss to know on what grounds their Lordships were asked to reject this Bill. Were they to take the responsibility of restraining marriage, which was a part of man's natural independence, upon a critical interpretation of a passage of the Old Testament? Were they—were the right rev. Bench—so confident that their interpretation of that passage was correct? Were they the more confident of that because all Christendom disagreed with them? Were they so confident that the knowledge of the truth was confined to their own Church—nay, to one section of their own Church—that they were resolved to found upon it a prohibition by Act of Parliament—a law nothing corresponding to which could be found in any part of the Christian world? He was by no means one of those who was so proud of the condition of this country that he could go to the House of God and give thanks that we were not as other men were. He saw nothing in the social condition of this country to warrant this excessive amount of self-gratulation. When he looked on the condition of society in England, Scotland, and Ireland—when he looked to our great towns, and to the general condition of our pauper population, he felt that they were not in a condition to regard themselves as the special favourites of Providence or the chosen depositories of Divine truth. He entreated their Lordships to approach this subject in another and a humbler spirit—a spirit that might make them inquire whether there might not be a doubt in the correctness of the interpretations they now enunciated so positively. Let them remember that the interpretation sought to be placed on this passage, as forbidding those marriages which this Bill proposed to legalize, was an interpretation in which the whole Christian world did not agree. It was one in which the Roman Catholics did not join

—which the great body of Protestants on the Continent did not give their assent to—in which the Wesleyans were not with them—in which the Independents did not concur—which the Baptists altogether repudiated—and which the Quaker lifted up his testimony against. Therefore, the opposition to these marriages was confined to themselves, and to those who had been indoctrinated into it by the penalties of an Act of Parliament. Was the Legislature, then, warranted, when it framed a law on marriage—the natural right of all persons—to found that law upon a particular interpretation of Scripture which rendered it inconsistent with the great principles of civil and religious liberty? What right had they to say to the Jews that they should not marry unless they conformed to the English Marriage Law, or to say to the Roman Catholics they should not marry according to their own Church's interpretation of Scripture, but should be bound by ours? Was this law consistent with the universal rights of human nature? He thought not — he thought it stood in direct opposition to great and important principles—principles as important as those which were laid down in Scripture. He was content to take the Articles of our Church upon the subject. Now, the 7th Article of the English Church declared that they were bound by the moral law, but not by the ceremonial law. Applying that to the law of Moses, let them try to discover what was the universal moral law, what the ceremonial; for from the moment they had reached this point of distinction they ceased to be bound by the law as an abstract law. There could be no doubt that the Levitical law, viewed in a judicial sense, was a most barbarous and savage code. In former times their Lordships' predecessors were accustomed to hear from the right rev. Bench appeals to the Levitical law, which they were now exhorted to treat with such reverence, to justify and enforce the drowning or burning of witches. The Bishops of that day spoke in the same solemn and earnest tones of the impiety of those who did not recognize the authority of the written Law of God, of doubts as to the Christian character of those who doubted the existence of witchery, or who did not recognize the duty of drowning or burning them. Their Lordships would also remember that what they now heard, and had probably heard 50 times before was nothing but a *rechauffée* of the solemn indignation with which the first proposal for allowing marriages between first cousins was treated. There was, no doubt, some reason for the prohibition of the marriage of cousins; because, by an extension of the terms used in Leviticus, such marriages could be brought within the prohibition given. Having adverted to these matters for the purpose of inducing some diffidence and modesty in dealing with the matter, he would proceed to look at the history of the question. The fact could not be doubted that the contemporaneous exposition of the Jews was in conformity with the interpretation now sought to be put upon the Levitical law by the promoters of this Bill. He did not mean to expose himself to the reply that we were not bound to accept the Jews' version of the Scriptures; but he might appeal to the custom and practice of the Jewish people, and to their institutions and observances, as a comment upon, and an interpretation of their own laws. It was impossible to believe that they could have continued in deliberate non-observance and violation of that law, if it had borne with them an interpretation, which some with the superior knowledge of the present generation desired to put upon it. The Jewish law never contemplated prohibiting the marriage with the sister after the death of the wife, and the testimony upon that point was beyond dispute. The evidence of the Chief Rabbi before the Commission was on record. He was examined not upon matters of interpretation, but upon the customs of his people; and he stated that from all time it had been the practice of the Jews not only to approve these marriages, but to facilitate them; for whereas it was required, in any case, that a certain time should interpose between the termination of the first marriage and the contracting of a second marriage, the time was shortened in the case in which the widower left with children desired to marry the sister of his deceased wife. Ought we not to take this fact into account when we interpreted Leviticus, embodied our interpretation in an Act of Parliament, and pronounced that interpretation to be a holy, rightful, and moral law? Let him go a little further. The law and practice of the Jews being what he had described, what were the habits of the people existing in the civilized world when Christianity was introduced? He had already shown what was the practice of the Jews, and it was the same at that time; the law of the Roman Republic was the same; and the Roman law down to the time of Constantius not only permitted these marriages, but approved them. Christianity, therefore, was planted among people who, whether they were Jews, Hebrews, or Romans, adopted these marriages, and regarded them, not merely as legal, but as worthy of commendation. Such, also, was the rule of Christianity itself during the first ages; and it was not until they reached the period when numerous sects had arisen, warring with each other, and perverting the truth among themselves, set themselves up for teachers rather than interpreters of the Divine word, that the Gnostics and others set aside the authority of the Mosaic laws, especially in regard to marriages, until some of the greatest Fathers of the Church denounced marriage altogether, and laid down rules regulating that and kindred subjects in language not always too decent. When the prohibition of these marriages was once introduced, it was gradually adopted by the Western Church, and by the Eastern Church also. But the Roman Catholic Church had acted in this respect much more wisely than our own, for the Roman Catholics never regarded this Levitical rule as a law of God, but regarded it as an ecclesiastical regulation, and assumed the right to dispense with it for a consideration. It was not until the time of Henry VIII. that a new light burst upon England concerning these marriages. In his reign an Act of Parliament was passed which, for the first time, defined the prohibited degrees, and the degree of wife's sister was included in the prohibition. An Act, which passed at the same time, declared the marriage of Henry with Katherine of Arragon most unholy; and the real object of the table of prohibited degrees was to declare that marriage invalid. Three months after the decree of separation Queen Elizabeth was born. The 25 *Henry* VIII. was repealed by the 28 *Henry* VIII., and in the meantime Anne Boleyn had had her head cut off, and Harry married Jane Seymour—a marriage which was pronounced to be holy and right. A little further we came to the statute of the 1 *Mary*, which declared that the marriage between Henry VIII. and Katherine of Arragon was most holy and pious, and in strict accordance with the rightful interpretation of God's Word. But that and the former statute of Henry are to this day unrepealed. Thus we have upon our statute book two Acts, one declaring a marriage to be consistent, and the other declaring it to be inconsistent with the rightful interpretation of God's Word. It seems to me a melancholy and humiliating retrospect, and by no means conducive to our national self-laudation and gratulation. Nothing was more certain in law, or more consistent with common sense, than this proposition—that, where a matter had not been made a subject of express declaration, it was not possible to derive from any part of the law a conclusion in the way of inference, if you found that inference repelled and excluded by some other part of the law. Turning now to what had been said by the right rev. Prelate (the Bishop of Ely), respecting the interpretation of the 16th verse of the 18th chapter of Leviticus, he (Lord Westbury) was astonished to hear the right rev. Prelate profess his preference for the marginal rendering of the verse in Leviticus which was found in some editions of the Septuagint, and which had the effect of reducing this verse, from being a regulation on the subject of marriage with a deceased wife's sister into a simple prohibition of polygamy. Everybody knew that the marginal reading had been ascertained to be the interpolation of a certain sect among the Jews who were themselves opposed to polygamy, and who, therefore, desired to convert this verse into a prohibition of polygamy. If it had the meaning contended for, why was it not followed? Was there not a direct contradiction of it in the practice of the Jews? Was it not the unquestionable fact that polygamy was familiarly practised among the Jews? Solomon certainly never restricted himself in its observance; and was it not one of the rewards of David, for his faithful adherence to the Divine cause, that he received the wives of Saul in a lump? Could it really have occurred seriously to anybody that the original meaning and intent of this verse was to prohibit polygamy? It was a long time since he had construed a Greek author; but he ventured to say, without fear of contradiction—because his interpretation was borne out by the greatest authorities—that the meaning of the verse was plain —"You shall not marry as a wife a sister to your present wife, in rivalry with her." The only fault he found with the authorized version was that, instead of the expression "in rivalry with her," the interpretation given was, "to vex her." The real meaning probably was the taking of one in addition to the other—they were not to be rival wives. And then came the words "during the life of the first wife," the reason of which plainly was to prevent a man from giving the first wife a letter of divorce and sending her away. In order to prevent that evasion the words were added forbidding the man to marry the wife's sister in addition to the wife during her lifetime. Unless any man could prove beyond the possibility of doubt that the text in Leviticus did not refer to the marriage of the wife's sister, it formed a rule which prohibited any inference to the contrary, and plainly laid down the Scriptural law on which our statutes should rest. The right rev. Prelate (the Bishop of Ely) had argued that marriage with a wife's sister was prohibited on the ground that she was "near of kin" to the husband. But this inference he (Lord Westbury) entirely denied—it was utterly absurd and inadmissible. It was, no doubt, the universal rule that the wife was absorbed in the individuality of the husband—became "one flesh" with him; but it had never been held that the husband became "of kin"—*proximus sanguinis*—to the kindred of the wife, neither was it added in the verse which contained this prohibition—whatever it was—as was added to other prohibitions in the same chapter, "for she is thy near kinswoman." He hoped their Lordships would now, almost at the eleventh hour, do that which ought to have been done before, and recall the prohibition of these marriages contained in the statute book. If their Lordships would look at the records of what had occurred in the House of Commons when the existing law was being passed, they would find that it was proposed to prohibit the marriages in question for the future by making them utterly void. It required, however, all the influence of those who supported the Bill on that occasion to pass it in that form, and they were only able to do so on the understanding that the subject should be reconsidered in the next Session. Thus it was that a proposal which had been sanctioned without due deliberation was placed on the statute book, where it continued to remain, because the promise to re-consider the matter had never been fulfilled. The existing law, therefore, had its origin in an erroneous interpretation of a single passage; it had grown up in variance with every principle of civil and religious liberty; it had been made binding on the whole people, although one-half of them protested against the interpretation of Scripture on which it had been based. Such a statute ought, he contended, to be offered up on the altar of civil and religious liberty. The subject was one, he might add, which it was impossible to examine without feeling strongly upon it, and, feeling strongly, one naturally expressed oneself in a corresponding manner. But if, in the course of the observations which he had made, a single word had fallen from him which was calculated to give pain, he begged leave to retract it. He must, at the same time, be permitted to state, in the strongest form of language which was consistent with respect for their Lordships, the conviction which he entertained —a conviction arrived at after much examination of the subject—that the existing Act was founded altogether on a misapprehension, upon an undue assumption of the right to bind the consciences of others, and that it ought as soon as possible to be expunged from the statute book in obedience to those high principles of civil and religious liberty to which he had already adverted.

THE BISHOP OF PETERBOROUGH: My Lords, I had not intended to trouble your Lordships with any reasons of mine for the silent vote which I meant to give against the Bill now before you; but, after listening to the speech of the noble and learned Lord who has just sat down, I cannot refrain from offering a few observations, if only as a matter of mere politeness and gratitude, for I cannot but feel that some acknowledgment is due to him from the occupants of these Benches for the homily which he has had the kindness and consideration to address us in the early part of his very able and interesting speech. The noble and learned

Lord was good enough to lecture, with a tone of severe solemnity, these who sit on the Episcopal Bench as to the necessity of observing caution in the interpretation of Scripture. I was happy, however, to find that the noble and learned Lord, before he reached the close of his remarks, felt himself entirely free from any of those restraints which he seemed to be so desirous of imposing upon others; because it certainly struck me as savouring somewhat of confidence in his own interpretation of the text, and his acquaintance with the original, not only in the Greek, but the Hebrew, that he should have addressed himself in such a tone to answer the speech of the right rev. Prelate who presides over the diocese of Ely. I confess that, knowing, as I do, the high reputation of that right rev. Prelate for thorough acquintance with the original, I should have felt some diffidence in venturing to make any remarks in reply to him; but the noble and learned Lord has not hesitated to favour us with an outpouring of Biblical and Greek learning, erring—if I may return, in some measure, his lecture to the Episcopal Bench—perhaps a little on the side of levity. I am, I may add, qualified to approach the interpretation of the words in Leviticus, at least in this respect—that I do so with that diffidence to which the noble and learned Lord has exhorted us. After a very great deal of consideration I do not feel certain beyond doubt as to the meaning of the passage of Leviticus; but I would remind the noble and learned Lord that whoever gives a vote on this question to-night must give it in favour of one side or the other of the Scriptural enactments on the whole subject. The noble and learned Lord—great lawyer as he is—knows that the law of England, professes in the matter of marriage to be founded on the Word of God. Whether, therefore, we affirm or repeal existing restrictions, we must act in conformity with the principles of the law of England by affirming on one side or the other a distinct interpretation of the Word of God, and imposing it in the form of law on the consciences of those who take a different view. The noble and learned Lord has, therefore, fallen into the same error as that of which he accuses us—the error of first affirming his own view of the Word of God and then imposing it in the form of law on other men. For myself, I confess I am not able to see my way to that distinct interpretion on the passage in Leviticus which has been put upon it by some of my right rev. Brethren. I would venture to add that, even assuming the prohibition there against the marriages of which we are speaking to be as distinct as it seems to me to be doubtful, that would not, in my opinion, be conclusive of the question—because I am unable to say that we, as a Christian Church and a Christian State, are bound in all our legislation by the Book of Leviticus. I hold those words to be divinely inspired, and therefore specially adapted to the needs of the people to whom they were delivered; but for that very reason, and because of their special and divine adaptation to the needs of the Jews, I think we have the highest ground for believing that they do not necessarily meet the needs of a Christian population or a Christian State in the present day. I do not, therefore, lay so much stress as some do upon this particular passage. But there is another Scriptural argument on which I do lay some stress. I allude to the words of Him whom we all acknowledge to be the Supreme Lawgiver, who, while He in some degree set aside the Levitical enactments, affirmed the broad principle on which they were based. He did lay down distinctly the principle that when a man marries a woman the twain are "one flesh." From that I deduce the principle of the law forbidding marriages of affinity—namely, the principle that the relations of the wife are the relations of the husband, and that the relations of the husband are the relations of the wife: a man cannot, therefore, marry a relation of his wife in the same degree as that in which he is forbidden to marry his relation in blood. This, indeed, appears to be a definite and distinct principle on which we can found our legislation. It has a finality. If you do not maintain this principle, you put another and an opposite one in its place—namely, the principle that the relations of the wife are no relations of the husband. Well, supposing you do this, you must, if you wish to be consistent, go on and abolish the whole of the prohibited degrees in the table of affinity. The noble Earl the Lord Privy Seal, said with reference to the Book of Leviticus—"You are not free to take out this or that passage and use it in your own way." In the same way I maintain that you are not free to adopt this or that principle and then conveniently forget that the principle is applicable equally to all the degrees of affinity. My Lords, I am aware that I am doing what is somewhat rash and presumptuous in venturing to allude to a principle in reference to any measure under the consideration of Parliament—for it has been laid down lately, on rather high authority, that if those who oppose any measure do so on the ground that it embodies a principle which may be dangerous and capable of wider application than in the particular measure under consideration they, and they alone, are responsible for the evil consequences of that principle. That is a very convenient doctrine for those who are charged with the responsibility and risk of introducing measures to the consideration of Parliament, because it simply does away altogether with the discussion of the principle of any measure whatsoever. If the principle is a good one, discussion upon it would be superfluous; but if it is false and dangerous, discussion upon it would be purely mischievous. Therefore, we must not presume to discuss the principle of any measure, but must be content to offer humble criticisms on its details. With all due diffidence, then, I maintain that the present Law of Marriage affirms a certain principle, and that the proposed law would be based on another and an opposite one. Nay, I go further, and say that principles embodied in legislation are forces which are not under our control. It does not rest with us to say, when we introduce a principle into any measure—"Thus far shall it go and no farther." We can no more do that with the principles of law than we can with the forces of nature; and when we once set free a new and distinct principle in any act of legislation, it is certain to work itself out to its necessary conclusion by the logic of events, or by the logic, still more powerful, of human passion and human feeling. What I want to know is this—if the principle embodied in the proposed change of the law is to be affirmed, are your Lordships prepared to go on and abolish the whole table of affinity? If not, at what point are we to stop, and what law are we to fall back upon? The noble and learned Lord who just spoke (Lord Westbury) appealed to the law of nature, and seemed disposed to substitute it for the law of the land and the law of the Church. With all due deference to the noble and learned Lord, I should like to ask him what nature, or, rather, whose nature it is that he means? Does he refer to the law of the nature of the man who wishes to marry his brother's widow? Is that the law of nature which is to be followed? It seems to be natural that some men should desire to marry their brothers' widows; but is that a valid reason why the table of affinity should be altered in their favour? Other men desire to marry their deceased wives' nieces; is that circumstance to be adduced in favour of an alteration of the law in their favour. What law, I again ask, are we to fall back upon? I lately saw an account of a man who, in another country which is less troubled than ours by canonical law, married on one and the same day a mother and her daughter, her niece, and three other persons. Now, such a man would tell your Lordships that he only acted in accordance with the law of his nature, and would exclaim against the cruel tyranny of imposing on him the law of the nature of the noble and learned Lord. How, I ask, are we to legislate on anything so vague as this reference to the law of nature? We require something more sure and certain, less shifty, and less liable to be swept away by the tides of human passion and of human error than this vague shadow of "a law of nature." While speaking on this subject, let me add a word as to a reason which does not actuate me in voting against this Bill. In voting against it I have no desire to maintain the rule of the Church of England over the members of other communions. Indeed, it was with deep regret that I heard this *argumentum ad invidiam* used by a very high authority. I protest against inflicting on other religious communities the law of the Church of England. The principle, however, appears to be laid down, that whenever the law of the land happens to coincide with the law of the Church, whenever you find the same law in the statute book and in the prayer book, you are bound in deference to the consciences of Nonconformists to repeal the law of the land, because it has the deadly taint of agreement with the law of the prayer book. No one, as far as I am aware, wishes to inflict the law of England on other communions; but this Bill would inflict the law of other communions on the Church of England. It is true that the Bill does not touch the consciences of the clergy by compelling them to celebrate the marriages sanctioned by it; nevertheless, a clergyman would be under the necessity of administering the Holy Communion and the rite of burial to persons whom he believed to have been living in direct transgression of the laws of his Church. I do not put this forward as a reason for rejecting this measure; but because it seems to me a very strange argument in favour of a measure which directly affects the consciences of the whole body of the clergy, to demand that it shall be passed on the score of promoting freedom of conscience. I shall vote against this measure, because it seems to be fraught not only with the political danger of putting the Church in direct antagonism with the State—which in itself is an evil of no small magnitude—but also because it is fraught with most serious and dangerous social evils. This appears to be a Bill for the needless banishment from many a quiet home of a sister-in-law who now calmly fulfils, in all purity and faithfulness, the duties of a mother to the children of her deceased sister. I am told, however, by the advocates of the measure that it is a very unworthy argument thus to libel the social purity of English homes; but, in almost the same breath, they insist on the grievous hardship inflicted by the present Marriage Law on the poor man, who is often obliged to have his sister-in-law to reside with him, and thus exposes her to fearful temptations. These two arguments, I maintain, cannot be both used with consistency by the advocates of the Bill. I believe that this measure embodies a very dangerous principle; that it unsettles, with no prospect of settling, the existing law, in which the great, and, as I believe, the immense majority of Englishwomen thankfully acquiesce; that it unsettles that law for no real gain, but with the risk of very real mischief; and that it does real social hurt and evil for a problematic good. The only argument of any weight that I have heard urged is that public opinion is in favour of it: I question it. That public opinion has never yet been fairly tested. Has one seat been won or lost on this matter? Has this question in any one instance been made a test at the hustings? [Lord HOUGHTON interposed a remark.] The noble Lord corrects me, but the instances must be very rare. If we appeal to public opinion, let us do so distinctly, formally, and definitely; for it seems to me that the duty of Parliament is not to indulge in mere vague guessings or even calculations as to what public opinion is—that its duty and the duty of its Members is not to count opinions, but to weigh them; and that if we are simply to discuss not whether a measure be right or wrong, but whether public opinion is in its favour, the sooner you do away with Parliamentary debates the better, and the sooner you fall into the way of governing this country as another country is now from time to time being governed—by *plébiscites* and appeals to the people—the sooner you have questions not discussed by Parliament but settled by popular vote the better; because in that case we should at least have a distinct and definite utterance of public opinion; and I venture to say that in that case this Bill would never be passed, or, at all events, not passed for years to come.

VISCOUNT LIFFORD said, that neither our Lord nor His Apostles had anywhere condemned marriages of this kind; and some of the best and most learned men in ancient and modern times—including in the latter Episcopalians, Presbyterians, and Roman Catholics—had been in their favour; and he had received a letter from the Roman Catholic clergy of Dublin begging him to support this Bill. He had heard it argued that this was not a poor man's question: he (Viscount Lifford) contended that it was every man's question. Since he last addressed their Lordships on this subject he had received a communication from a gentleman, living not far from London, who lost his wife and was left with several young children. Her youngest sister had been living with them for a length of time, and on her death-bed the wife said she should die happy in the certainty that her sister would be the future mother of her children, and begged of her husband to cultivate the friendship of a neighbouring clergyman who had married the sister of his deceased wife. Another correspondent said he was desirous of marrying his deceased wife's sister from sincere and prudent motives, he having been left a widower with eight children, and he added that he had felt no interest in this subject until he lost his wife, whose request it was that he should marry her sister, and that she alone should have the care of the children. Persons connected with some of their Lordships had married under similar circumstances. The question therefore was, were their Lordships to refuse to give the sanction of law to marriages of this character, which were desired and practised by all classes of the community, except a small number of dissentients connected with the Church of England? He supported this Bill because he believed that the Levitical law permitted such marriages, while Jewish tradition and other historical evidence was in their favour, and he asked their Lordships not to reject this Bill, but to have mercy on those who had suffered from unfortunate and inconsistent legislation.

THE DUKE OF ARGYLL: My Lords, last week I presented a Petition purporting to be signed by the Roman Catholic Archbishop and, I believe, all his clergy, and by upwards of 12,000 inhabitants of Glasgow in favour of this Bill. The purport of it was correctly stated in the principal London journal; but in the Scotch journals the Petition is stated to have been against the Bill, and I have this morning received an urgent request that I should explain that the Petition was in favour of the Bill now before your Lordships. I do not know why I had the honour of being charged with that Petition. I apprehend that those who sent it to me thought I also was in favour of the Bill. I have never hitherto taken any part in the discussions on this subject; but this circumstance, and some other circumstances, make me feel it a duty to state, as shortly as I can, the grounds on which I shall vote against the Bill. I have endeavoured to look at the question uninfluenced by mere popular prejudice—as some noble Lords may think it—and not more than duly influenced by the public feeling of the country with which I am particularly connected. It is the great privilege of Members of this House that we are free at least from that bond which unites Members of the House of Commons with their constituents, and makes them in many cases feel bound to vote with them, even if they do not agree with the opinions which their constituents hold. On the other hand, I believe that the Members of this House feel they are bound to consider the public feeling of the country and to act not merely as independent individuals, but to consider the general feeling of the great community with which they are connected as intimately, as really, and as truly as representative men as the Members of the House of Commons. And therefore I am not ashamed to say that I should attach some weight to the feeling of my country—I mean of the great mass of the people of Scotland—in giving the vote I shall give to-night. But, I repeat, I have endeavoured to look at this question in the coldest light of reason—and I am the more bound to do so because I am convinced that mere feeling is no safe guide in these matters. I have been astonished at the language held by some noble Lords who have supported this Bill, and which has been so well commented upon by the right rev. Prelate (the Bishop of Peterborough) who recently addressed your Lordships with his usual eloquence and power. They have talked of the light of reason and the light of nature; but I say, with the right rev. Prelate, that in such matters as these, reason and nature require guidance from a higher source, and we cannot trust our reason or feelings alone in these matters. Well, then, the first proposition I venture to lay down is this—that the State has a voice in this matter; that the Parliaments of the country have not only a right, but it is a necessary part of their duty, to make up their minds as to the legitimate limits of the prohibitions of marriage. Noble Lords may call that a mere truism—they may say that nobody denies that proposition; but it does away with a great many arguments which have been used in favour of this Bill. It has been argued as if it were a matter of tyranny to prohibit men from marrying those whom their own conscience, and the religious body to which they belong, justify them in marrying. But if that doctrine be admitted by Parliament, Parliament will be obliged to adopt from year to year the fluctuating opinions and conscience of the various religious sects. And what are those sects? At the present moment the United States are about to send an army to deal with the community which has sprung up among them and which has professed not only to legalize, but to dignify and sanctify the practice of polygamy; and remember, the United States have a right to reproach Europe with the Mormon population, because it has been recruited not from the old inhabitants of the United States, but from the Christian communities of the Old World. You find men of high education, of great ability, who, having laid aside the restraints of Christian feeling and law, have declared that polygamy ought to be allowed and practised. I say, then, it is the duty and function of the State to adopt some principle in regard to the limit to be placed on the prohibition of marriage, and that it cannot allow each sect, as it arises, to judge of this matter. The State must lay down the Law of Marriage—and not only lay it down, but enforce it with the heaviest of all penalties—that of pronouncing bastardy against the children who are the issue of those marriages which it prohibits. Your Lordships must, therefore, set aside this accusation of tyranny, and the reproaches that have been raised against the existing law, because of the severe consequences visited upon those who break it. The first proposition, therefore, which I have to submit to your Lordships is, that the State must determine the principle of the Marriage Law, and that the State must enforce its enactment by the severest of penalties. Well, then, it being the duty and necessary function of the State to lay down the Law of Marriage, my second proposition is that it is desirable, above all things, that that law should rest upon a clear, definite, and distinct principle. And here I must say I agree in every word that fell from the right rev. Prelate on the Bench behind me. I will not attempt a reply to the lay Lords who, in this debate, have dabbled in theology, and who, I must say, have thrown fresh light upon the necessity of scientific treatment in theological matters. I will not go into the minutiæ of texts; but I say that the law of England professes to be a Christian law; it professes to be founded upon the laws of Christianity: and if you can find a principle which has been acknowledged in ancient times by the Jewish Church, and by the general voice and consent of the Christian Church in later times, and if you are in search of some principle on which you are to found your legislation, surely I put it on the lowest ground when I say that it is not unreasonable that you should take that general principle, which has been sanctified by the Divine law, and which is, at least, consonant and consistent with the higher and purer principles of Christianity. Whatever cavil you may have about individual passages of that famous chapter of Leviticus—and into this subject I will not enter—I defy any man to deny that the general principle of the Jewish law was this—first, that no man should marry his near of kin, and, secondly, that the near of kin of his wife should count as near of kin to himself. That unquestionably was the general principle of the Jewish law, and I maintain that it is sanctified and raised to the higher pitch of authority by the general precepts of Christianity. Now, when I contrast such a clear and definite law and principle on which we may safely stand with the language of our opponents, I am utterly at a loss to find any clear or definite principle on their side on which our law is to be based. I was rather amused to hear my noble Friend who has just sat down apparently adopt the doctrine that the State is not entitled to prohibit anything not specifically and in words prohibited under the Christian dispensation. If we are to go on that principle—if we are to demand chapter and verse for every prohibition—we have no right to prohibit polygamy—we have no right to prohibit or denounce slavery—or many other of the worst forms of error into which men have fallen and may hereafter fall. We must go to the general principles of Christianity; and surely it is not too much to say we may be guided in this matter by the general assent and consent of the Christian Church ever since it was founded. I do not use that as a mere argument in debate. I am fully convinced of this truth—that if we pass this Bill we must go much further and break down the general principle of prohibitions under the table of affinity. It may be perfectly true that there are not so many cases in which men may desire to marry other relations of their wife than her sister; but there are other cases by no means impossible, and the possibility of which it is almost disgusting to contemplate—such as marriage with the daughter of a wife by a former husband; and precisely the same arguments of social convenience might be used in regard to such marriages as with regard to the case now before us. Who so natural a guardian to your children as their own half-sister? Oh, but it is said there is a natural repugnance to such marriages. So there is, and God be thanked for it! but change the law, and that feeling will be altered. When people talk of natural feelings and natural repugnancies, they speak entirely unconscious that they were built on the long habits of Christian legislation; and I say that you have no security whatever, when the prohibition is broken down in respect to this particular marriage, that you will not be obliged to legalize those other marriages against which, at present, you revolt. These are formidable consequences—consequences which we should face; and I object to the suggestion that we are not to mind what might come afterwards, but should leave others to deal with cases as they arise. Your Lordships are bound to consider the principles you adopt in legislation and the consequences to which they may lead. Many noble Lords will admit that I am no pedant in matters of general principle. I am of opinion that abstract principles are to be treated like fire and water—as excellent servants but bad masters. I admit also that in matters of legislation you must consider the feelings of the people you legislate for; but I am not convinced that at the present moment the general feeling of this country, or of Scotland, or of Ireland, is in favour of legalizing these marriages. I wish to say a word with regard to an argument used by a powerful section of the community—our Roman Catholic fellow-subjects—and I will refer more particularly to a document professing to contain the opinion and advice of the Roman Catholic clergy of Ireland. Having now the honour to address some noble Lords belonging to the Roman Catholic Church, I can assure them that no one can be more desirous than myself to speak respectfully of the religious opinions of other men, however widely I may differ from them; and I fully feel the inexpediency and want of taste which would be shown in discussing in their presence purely theological questions on which disagreements might arise. But in regard to the relations of the Roman Church with the civil law, and in regard to the pretensions now put forward by the Roman Catholic priesthood to deal as they please with the law of nations and with their relations to the civil law, I not only desire but am determined to maintain absolute freedom of language in debate; and I cannot help stating that I look with extreme jealousy and dislike—I will use a stronger word, and say with some indignation at the language used on this subject by Roman Catholics. The document to which I wish to refer states—

> "I beg, also, to state that 88 of our clergy here, which include our vicars general and parish priests, have signed a Petition for presentation to the House of Peers, and we are extremely anxious that such marriages"—(and I particularly wish your Lordships to observe what follows)—"when they have received the sanction of the Church, by dispensation granted, should be valid for all civil purposes."

Now, the Roman Catholic Church holds with the Church of England, that such marriages are illegal. I will not quibble as to the sense in which illegality is asserted; but I will assume that the Roman Catholic Church forbids such marriages for some good reason; either because they are inconsistent with the principles of Divine law, or else because they are inexpedient on social considerations. If, then, the Roman Catholics will come forward and say that they have been wrong in these prohibitions—that they have a new light on the nature of the Christian law, and on this ground desire a change—it will be quite a different thing; but I am not willing to be told by them that the laws of England must be altered not because they thought them wrong, but in order that their special exceptions and their priestly dispensations may no longer be checkmated by the civil laws of the land. That is language which the Roman Catholics have no right to make use of, and I, for one, will never support any change demanded on such grounds. I only know of one argument of any force in favour of the Bill, and that is not an argument of principle. The Bill rests upon no principle whatever. The present law does rest upon a principle; but when we depart from it, we can have no principle whatever except that of sweeping away all the prohibitions of affinity. There is, however, some force in the argument founded upon the general failure in those feelings of the people, which are the foundation of all legislation. I believe that the extent to which that argument applies has been greatly exaggerated; but I cannot conceal from myself that when we have eminent right rev. Prelates, great theologians, some of the most distinguished Members of this House, and large majorities in the other House affirming the legitimacy of these marriages, I do not deny the probability that public feeling may be changing, and that ultimately we may be unable to maintain this law. But I am not yet convinced of the change. Certainly the vast majority of the people of Scotland still hold this measure in abhorrence, and I join in the request and suggestion thrown out by my noble Friend behind me that this matter should be considered not in parts, but as a whole; that we shall not be invited first to give our assent to one step and then to another; but that we shall deal with these prohibitions as a whole, and in the full light of the investigation which ought to precede such a change. If such a general change as the abandonment of the whole table of affinity were to be proposed, however, I believe that the moral feeling of the country would be revolted at many of the consequences which would ensue; and until that inquiry has been made, and until the public feeling has been tested in such a manner, I shall, without the shadow of a doubt, say "Not-Content" to the passing of this Bill.

THE EARL OF HARROWBY said, it was of the highest importance, as far as it was possible, especially in such a question as marriage, in which it was desirable to attach a religious sanction to the bond of union, to have religion and the State go together, and it would be a great evil if on such a matter Parliament permitted what almost all Churches had forbidden. What would be the effect of the change on the poorer classes? A case might arise where a poor man wanted to marry his deceased wife's sister, and he went to the clergyman, who told him not to do so, and, perhaps, might, if he solemnized the marriage, refuse to administer the Sacrament to him. Was, then, the man to set the law of the State against the advice of his religious teacher? He saw the extreme evil of bringing these two consciences into conflict, and on this ground, apart from other considerations, he wished to keep the Law of Marriage such as it had hitherto been maintained by all Christian Churches.

THE LORD CHANCELLOR: My Lords, I am thankful for an opportunity of expressing my gratitude to the noble Lord who moved the second reading of this Bill (Lord Houghton) for the tone in which he discussed the subject, which was very different from that assumed on other occasions, when a Bill with this object has been brought forward. I have been accustomed to hear that those who opposed the Bill were bigots and Puseyists; and when the use of these terms was found to be inconvenient, because there happened to be a number of right rev. Prelates, including the late Archbishop Sumner, among the opponents of the measure, we were accused of being irreclaimable Tories. It was, therefore, a great satisfaction to my mind to be told by the noble Lord who opened this debate that he considered the question entirely free from all party bias. In that light I have always regarded it; I have always considered it a subject elevated far above the atmosphere of party: but if this were a matter of party alone, I would never have shrunk, from any supposed religious prejudice, which I confess to—if prejudice it be—from assisting my fellow-men of every faith and persuasion, Roman Catholic or Jewish, in obtaining those rights which I think to be their due. But this is not a question of party. It is a question which concerns mankind and our own great country; and, to my mind, upon its determination depends either the beginning of the decadence of England or the maintenance, in some degree, of the high moral position which we have hitherto held among the nations of the world. It is from that point of view I cannot bring my mind to say "Content" to any Bill to alter that law under which the intercourse between man and woman has been maintained ever since this became a Christian country. Without fear of the retort which I may expect from the noble Lord who opened the debate, I say I am one of those whom it is hopeless to attempt to convince — one of those having a religious view whom the noble Lord said he could not expect to shake. I do not disavow the impression on my own mind — but I do not therefore feel incapacitated from arguing this as a question affecting the welfare of the country and the happiness of all parties concerned, including, I say, most especially those unhappy women who, in a manner which I can hardly characterize with indignation adequate to my feelings, have been betrayed into placing themselves in a position in which men ought never to have placed them. Taking the line I have always done in political matters, I proceed to explain why I advocate the rejection of this measure, when it has been adopted in the other House by so large a majority. If I believed, however repugnant the Bill might be to my own feelings, that it had been calmly and deliberately discussed there, and carefully examined; if the whole subject had been deliberately discussed at public meetings, in the ordinary way in which great political questions are discussed in order to obtain the opinions of the country; if you had had a General Election which had given the constituencies an opportunity of expressing their opinions freely and decidedly; if the organs of public opinion, even on one side of politics, had supported this measure—instead of which the newspaper that is most read and that generally takes the Liberal side in politics advocates the rejection of it, while others take a similar course—if all these had concurred, and if the promoters of the Bill had knocked at the door of this House supported in that way—though I could not have supported the Bill, it would have been a different thing whether I should have exhorted your Lordships—as I now most earnestly do—to reject it. But nothing of the kind has occurred, and I will endeavour to show your Lordships, very briefly and very plainly, what amount of proper consideration the Bill has received, by whom it is promoted, and on what grounds they have proceeded. I have watched this measure for a long while. I had occasion to discuss and oppose it in "another place" in 1848. On that occasion I had the support of Mr. Roebuck and of Mr. Shiel, a Roman Catholic. The state of the case was really this — A certain number of persons, well knowing the state of the law, had induced those whom they ought to have protected with a brother's love to place themselves in the position which has evoked the cry of distress read to us by the noble Lord. That cry of distress is not the only one which has reached my ears. I am very far from wishing to utter a single word which should seem to indicate a want of sympathy with the writer of that letter; but I have also heard expressions of the deepest agony from those who, if this Bill be passed, must be banished from their homes and from their nephews and nieces to whom they are attached. It has been said that this argument is ungenerous and indelicate; but is it, or is it not, the custom in England for a woman to live in the same house with a man who may marry her, and without any other woman? I say, fearlessly, that English society has not tolerated a gentleman living in the same house with a lady whom he might marry — excepting, of course, cases in which there was great disparity of age; and I say that is the natural sense and feeling of English society at this time. In such matters as these it may specially be said—"Let him that thinketh he standeth take heed lest he fall," and it is with the view of keeping the home pure that society has laid down those rules and regulations which constitute its security. I believe you propose to make a change in no way favourable to the objects you propose to benefit, which is deeply distressing to a much larger section of the community, and which is wholly uncalled for by any real need. One of the arguments used in support of a change of the law is, that the sister-in-law is the best guardian and protector of her nephews and nieces. But if, as I believe you will, you drive out 99 sisters-in-law from bereaved families and give a stepmother to the hundreth, I do not think you do much for the protection of the children you commiserate. We have been told that the relief proposed by this Bill is a real and serious want of the poor. Of all the hypocrisy I have ever heard on this subject there is nothing so monstrous as that this is a poor man's question. I know something about the poor, and I am confident they will be the class least affected by the Bill. The poor marry early, and it is very seldom among the poor that the widower finds a sister of his wife unmarried. I am told that in the northern manufacturing districts, owing to accidents and the unhealthiness of employment, husbands die more rapidly than in the agricultural or ordinary town districts; and it may happen in these manufacturing districts in one case in a hundred that the wife may die while a sister is unmarried. But it is interesting to get at facts. Everybody has a right to make philanthropic statements, and no one likes to be cross-examined upon such statements. The first time I opposed this Bill "elsewhere" a clergyman wrote to me saying that—"You have ventured to say that the poor do not desire this Bill. I know 20 or 30 cases in which widowers were ready to marry their deceased wives' sisters." I replied that I would recant all I had said if he would state, on his own authority, that he was prepared to furnish names and addresses so that I might inquire into the facts. I never heard anything more from him. I now come to the reports got up—I can use no other expression—by the persons who favour these marriages. A Royal Commission was appointed, which took the information presented to them; but, of course, had not the means of seeking out for information on the other side, while two able solicitors were regularly retained, and furnished information which supported their view in an elaborate form. In this way we got the numbers—1,608 of these marriages among the rich, and 40 among the poor—a proportion of 160 to 4, or 1 in 40. I believe that is something near the proportion among these classes; for I myself, several years ago, took some little pains to inquire in my own neighbourhood, in two parishes containing 60,000 people and 40,000 poor, and, after employing a very active person to search, I could only hear of one such marriage. However, one of the newspapers, which objected very strongly to my view, said that a City missionary, who had made inquiry in the same district, had found two more. So after scouring the whole field we found three such marriages among 40,000 poor. But then the anonymous gentleman, who is chiefly concerned in this agitation, published a statement in which he thinks he has got me completely, for he says that in these parishes of St. Margaret and St. John he has found 102 such marriages. He does not say among the poor, and as there are 60,000 residents, of whom 40,000 are poor persons, I think it is likely he is right; for your Lordships will see that the proportion of 100 to 3, or 1 in 33, is not very different from the proportion ascertained by the Royal Commission. In the face of facts like this it is idle to talk of this being a poor man's question. But I will tell your Lordships what is a poor man's question, and that is, the sort of house in which poor men usually live. Considering how miserable are their abodes, and how serious are the temptations to which they are exposed there, I am astonished that there has not been more intercourse of this description. I am sorry to say I have found as many cases of actual intercourse with their own sisters as with their wives' sisters. Such evils arise entirely from our not taking care that poor people should be better housed. But it supplies no argument in favour of this Bill. I come now to the origin of the Bill, and the reasons which induce me—acting, as I believe, in perfect consistency with the views I have always expressed respecting the position of this to the other House of Parliament—which induce me to ask your Lordships to stay this Bill in order that it may be further considered. The noble Marquess who spoke early in the debate (the Marquess of Lansdowne) said he did not care whether the Bill were carried in the House of Commons by agitation or not. Well, the fact that a Bill is carried by agitation is nothing against it, for the Corn Laws were repealed, and the Reform Bill was carried, by agitation; and if we had heard Mr. Bright, who made such splendid speeches on both those topics, addressing large sympathizing public meetings on the grievous wrongs caused by prohibiting marriage with a deceased wife's sister, we should, perhaps, be guided to the conclusion that the people wished for a change in the law. But I have known no public meetings of the sort, though I have attended some on the other side. Lecturers, indeed, there have been, I believe, sent by the society which has set all this in motion. And now a word or two about this society. There were two or three very wealthy men who got themselves into this scrape, and they formed what was called "a Committee" for improving the Marriage Law. That Committee had existed for 24 or 25 years. Rather late in the day—I think after the last time this Bill was thrown out by a narrow majority—we thought it time to see whether we could not diffuse some information on the other side. We got hold of the publications of this body. They were always anonymous, and still are; but we put out our names—some 80 of them, and among them was the right rev. Prelate the Bishop of St. David's, who has been quoted this evening as being opposed to the Scriptural prohibition of these marriages. No doubt, the quotation by the right rev. Prelate (the Bishop of Ripon) was a perfectly accurate one; but the fact remains that the Bishop of St. David's, taking the ground of social expediency, actively opposed this measure. My Lords, we found a systematic misrepresentation of the law by this society, which declared that these marriages were lawful in 1835, when Lord Lyndhurst's Bill was introduced, at the instance of some noble Lord —that was the form in which it was generally put—and then they were for the first time made illegal. Now, this was a gross misrepresentation. From the year 600 to the present time there has never been a period in the law of England in which it was more lawful to marry a wife's sister than a man's own sister or mother. These are not my words; they are the words of Lord Wensleydale in giving the decision of this House in a well-known case. The facts are these—The ecclesiastical Courts in this country administered the law with reference to the matrimonial contract. The lay Courts were naturally jealous of the power of the ecclesiastical Courts in so serious a matter. They felt that their privileges were in jeopardy, because the ecclesiastical Courts, by these means, had the power of bastardizing children and putting inheritances in jeopardy, and therefore they said that they would never allow ecclesiastical Courts to question the validity of marriages made *in facie ecclesiæ*, after the death of the parents. There thus existed no means of bastardizing the children and of declaring such a marriage void. But the marriage was void, and Lord Wensleydale's opinion was correct. I now come to the exceptions made by Lord Lyndhurst's Act. It is no part of my duty to justify Lord Lyndhurst's Act, nor have I on my conscience any concern with the passing of it; but I may inform your Lordships that that Bill did not render valid any past marriages of this nature. No such thing is said by the Bill. The title of it, being a Bill to render valid certain marriages, may mislead; but there is nothing in the Bill on the subject. This is done—For the future all marriages are made *ipso facto* void within the prohibited degrees; and then there is a clause—and in every way it is a curious clause—which says, as regards the past, that no marriages within the degrees of affinity shall be questioned, though the parties may both be living—it does not say that such marriages are lawful, but that they shall not be questioned, except where a suit is pending. The result is, that if a man had married his wife's niece, or his stepmother, or, as in a case which a clergyman communicated to me, his own son's widow—and he had a child by her—all these marriages would have been protected by Lord Lyndhurst's Bill. The next thing which the anonymous society did justifies the indignation that I cannot help feeling at their conduct. They asserted that it was lawful to contract this marriage abroad, and that such a marriage would be valid here. The only right rev. Prelate who has spoken in favour of this Bill (the Bishop of Ripon) said that somehow or other, after Lord Lyndhurst's Bill, these marriages abroad became much more frequent. I can tell him that this "somehow" was the result of the scandalous conduct of this society. They quoted a dictum of Lord Stowell, that a marriage which was good in one country was good everywhere; and, as a general proposition of law, that is incontrovertible. In the interval, however, which elapsed between Lord Stowell's having said that and these pamphlets being circulated, a decision was pronounced in the Duke of Sussex's case, and there it was clearly laid down that, although the law, as stated by Lord Stowell, was, as a general proposition, correct, yet that it was subject to the exception that a marriage was void if it was opposed to the law of the country from which the contracting parties proceeded with the intention to evade it. Notwithstanding, however, that the law had been clearly laid down in that case, the society still continued to issue these advertisements, although our society had sent to them a statement as to the falsehood and impropriety of that which they circulated. I look upon all this, therefore, as being little less than a conspiracy so far as the poor unhappy woman is concerned who is imposed upon by such proceedings. The man who takes a woman to a country for such a purpose has much to answer for; but this society has much more. The society, however, has large funds, and has been very active. The members of the society have, we have been informed, been meeting everywhere, attending elections, and turning the scale at some of those elections, which they have been able to do by exerting themselves to procure some eight or 10 votes, when the numbers on each side have been pretty nearly balanced. I may say that Lord Campbell and Lord Cranworth, took the same view as myself, and belonged to our society; we were not idle, for we, too, did a little electioneering when we could. But, then, our proceedings were perfectly legitimate and above-board; while these other gentlemen, with their anonymous pamphlets, continued their agitation in the dark: the result being that they at last succeeded in getting a majority of the House of Commons to send up a Bill to this House in 1859. It was thrown out in this House—and this affords a reason for asking your Lordships to follow the same course now: for after this rejection the Bill was not brought forward at all in 1860. In 1861, however, the information afforded by our society produced its effect, and the Bill was rejected by a majority of 5 votes in the House of Commons. In 1862 we had a majority of 148 against 116. And is it merely because there is a majority in favour of the Bill in the present House of Commons that you are to assume that the people of England generally are in its favour? Last year that majority was 99; but this year it was only 70. These are matters which it is well to inquire into; but I shall not now pursue them any further. As to the religious difficulty, I do not think it necessary to enter into it on the present occasion. If we turn to heathen nations, which have no Bibles, we find that their traditions have stood them in good stead as to what was proper and right in these cases. My noble and learned Friend (Lord Westbury) has said that we are laying a heavy yoke on the people of England; but I contend that it is imposing no yoke on a man to tell him where he is in danger, where it is right he should be protected and the home fenced and guarded. It is only when he has the peculiar tendency for which this Bill is intended to provide that he need have any occasion to suffer. But, on the other hand, as matters now stand, the vast majority of the homes of England are fenced and protected by the law. Every country in the world has fenced its homes. The fences may be of different kinds; but, whether by revealed religion or traditional religion, they have been so guarded. Which are the great tragedies of the Greek stage? *Œdipus* and *Phædra*—and do they not turn on the incestuous violation of the home? St. Paul tells us that the case of a man having his father's wife, which is a marriage of affinity, was unheard of among the heathens. The Romans did not allow a man to marry his niece; and when a Roman Emperor (Claudius) unhappily desired to contract a marriage of that kind, he set about it by getting one of his flatterers to use arguments almost identical with those which are urged in support of this Bill. The flatterer said—

> "At enim, nova nobis iu fratrum filias conjugia: sed aliis gentibus sollennia nec lege ullâ prohibita. Morem accommodari prout conducat, et fore hoc quoque in his quæ mox usurpentur."

This is exactly what is said in favour of this Bill—it is new to us; but other nations have adopted it, and it is necessary to accommodate our manners to theirs. Now, I do not wish to assert that we are a perfect and pure nation; but I do think that we value the sanctity of home—and that is a great thing. We are somewhat in the habit of washing our dirty linen in the face of all the world; but we need not be afraid of comparing the sanctity of our domestic relations with any other country. In Spain the Roman Catholic Church allows an uncle to marry his niece; but here, in England, such a thing is not sanctioned. It was under Alexander Borgia that the dispensation for a man to marry his deceased wife's sister was first introduced in Portugal; but the Parliament of Paris, as to France, subsequently decided that it was beyond the Pope's power to grant such a dispensation. In the Code Napoléon this particular kind of marriage was prohibited; but, afterwards, a clause was introduced under the Orleans dynasty allowing it to be contracted if a dispensation were previously obtained. As the noble Duke (the Duke of Marlborough) had said—with regard to degrees of consanguinity and affinity it is obvious that you must draw the line somewhere; and why should we disturb the line which has been laid down for 1,200 years? It is obvious that there is great danger in disturbing the existing restrictions, unless we are prepared to substitute something better in their place; but this Bill would unsettle everything and settle nothing, and it would not give satisfaction to the poor, but only to a comparatively small number of rich persons, who have entered into these engagements with their eyes open, by the advice of an anonymous society which has thought proper to mislead them. At any rate, if the question is to be opened, let it be done thoroughly, so that we may arrive at a settlement upon it that will be likely to last for a century at least. The passage of the present Bill will not effect such a settlement. I think it most necessary that a Select Committee—which has hitherto been refused in the House of Commons—should take the whole subject into consideration. By rejecting the Bill on this occasion your Lordships will enable the subject to be thoroughly reviewed, in all its branches, next year, and I therefore hope that the Amendment of the noble Duke will be carried.

EARL GRANVILLE: Your Lordships will readily believe that it is not an agreeable thing for me to address you on this occasion, since I must speak in support of a measure with respect to which two of my Colleagues have expressed themselves in language of such emphatic disapprobation. I do not wish to intrude myself upon your Lordships; but having frequently voted in favour of this measure, I do not like to give—as I have done on previous occasions—a perfectly silent vote. Without travelling over the arguments which have already been so ably discussed during this debate, I desire to say a few words of protest against some of the reasons which have been brought forward this evening to induce your Lordships to reject the Bill. It is necessary, I think, that we should have those reasons placed very clearly before us, when it is proposed to reject a measure which is ardently desired by a not inconsiderable section of our fellow-subjects, and which has been twice approved by the House of Commons as the representatives of the people. The noble and learned Lord on the Woolsack has, indeed, made some remarks on the fluctuating character of the Divisions in the House of Commons. I am afraid I cannot agree on this point with my noble and learned Colleague, and still less with the right rev. Prelate who asked your Lordships not to think that the House of Commons was the representative of the people on a question like this. Now, I must point out to my noble and learned Friend that, although it is true that the majority on the Division List this year was absolutely smaller than it was last year, yet it was relatively larger compared with the numbers in the House, and that the majority will be found to represent an enormously larger number of constituents than the minority. In the absence of other tests, I am old-fashioned enough to think that the opinion of the country is, on the whole, very faithfully reflected by the House of Commons. My right rev. Friend (the Bishop of Peterborough) thought that taking its opinion too blindly would lead us to have recourse to a *plébiscite;* but I believe, on the contrary, that our confidence in Parliament will enable us to avoid such a violent measure as that. All sorts of arguments have been employed against this Bill. It has been objected to, first, on a religious ground, that it is contrary to the Word of God; secondly, because it is alleged to be contrary to the law of the Church; and, thirdly, because it is inexpedient in itself. In regard to the first objection, I am bound to say it appears to me that this debate has entirely destroyed every vestige of the argument. It is impossible, indeed, to adduce that argument, considering that 35 years ago the whole Bench of Bishops voted in favour of legalizing marriages which we are now told are contrary to the law of God. My right rev. Friend—a Prelate of great learning and moderation—tells us that the Levitical law denounces these marriages; but another right rev. Prelate declares that that law is in favour of such marriages; while a third stated that, after a careful study of the subject, he could not come to any conclusion with regard to it. He said that, putting aside the Old Testament altogether, he thought the words of our Saviour, as recorded in the New Testament, respecting a man and his wife being one flesh, gave a sanction to his own view of the question: he consequently argued that a man who married his deceased wife's sister would actually marry his own sister. I wish, however, to put this case to him. If the wife's sister be the husband's sister she must also be the sister to the husband's brother, and therefore it is not competent for the husband's brother to marry her—that is, two brothers may not marry two sisters; although this is permitted by the existing law. The right rev. Prelate did not admit that we were to be so much afraid of imposing the principles of the Church of England upon the other communities in this country, but said it would be very hard if we inflicted injustice and hardship upon that Church. He said that if we pass this Bill we shall oblige a clergyman to hurt his conscience, by his not being able to refuse the rites of the Church to those who wish to contract a marriage that in his opinion is not lawful. I imagine that the consciences of clergymen have been tried in other ways, and once, when the law was passed to enable civil marriages to be solemnized; while some clergymen, I believe, hold that first cousins ought not to marry, and do not like to be called upon to marry persons in that relation. But, my Lords, you must not legislate in a large way merely to avoid scruples which may be exaggerated, and I must consider that the conscience of a clergyman is not really hurt if he carries out that which is the law of the land. What I think is the most important part of the matter is the question—"Is this Bill just and expedient?" The noble Duke (the Duke of Marlborough) has argued that if, in this instance, we make a concession, it will be impossible to limit the demands that may be made upon us; but I do not admit that we shall break down any principle by passing this Bill. The Levitical law is not clearly understood, and there is certainly no concurrence of opinion among the whole body of Christians; and, therefore, we should not be kept in an iron mould with regard to legislation by that book. A large portion of the speech of my noble and learned Friend on the Woolsack was directed against the society which promotes this measure, and I cannot help thinking that he forgot himself, and spoke rather as an active member of the rival society than as one who discharges a duty in your Lordships' House. Everything that he has said against that society was, in my opinion, quite irrelevant to the question that we have to decide. I do not care whether this measure is promoted by rich men or not; because I remember that some of the greatest benefits that have been effected by the legislation of this country have been brought forward by small bodies of rich men. What I ask myself is, whether it is just and expedient that we should adopt the measure that is proposed to us to-day. So far from any blame attaching to those gentlemen, I think that when they found themselves and their poorer fellow-subjects under a grievous restriction, and one the justice of which is not believed by some of the most learned men in both Houses of Parliament, they ought to have strained every nerve to carry a measure of relief in this way. I know that your Lordships do not approve of any reference to the "intelligent foreigner;" but when you have a question of this sort, and you know that in Catholic France, in Protestant Germany, and in perfectly unsectarian America, there exists such a law as you are now asked to pass, and that no evil such as is predicted has resulted from the change that has been experienced in those countries, you ought, I think, to regard what has been said in favour of this Bill. My noble and learned Friend talked of wishing to retain the purity of home; but that is almost begging the question, for will anybody pretend that the existing law prevents a profligate or vicious man from going further than he ought in his intimacy with some of his near relations? Can anyone bring any instance against the evidence that has been brought from those other countries, where the state of the law does not, in the slightest degree, affect the relations between husbands and their wives' sisters? It is begging the question to talk about the purity of home, and I entirely deny that all the weight of argument is on the side of those who wish to retain the present law. My noble and learned Friend said that there were fewer of such marriages among the poor than among the rich; but what does that mean? Why it means that the richer, the more intellectual, and the more respectable people marry, while the poorer are told by the clergy that there is a difficulty to their marrying; and to what does that lead? The poor man does that which I believe is not strictly illegal, but is most certainly contrary to the law of God. My noble and learned Friend spoke of his experience among the poor; and no one has, in the midst of a laborious life, done so much for the poor both in the metropolis and elsewhere. But I cannot compare his experience with that of the pastoral heads of some of the large parishes in the metropolis, who have signed Petitions, declaring that they are obliged to ask for this measure to relieve them from the enormous amount of immorality that is created by the present law. My noble and learned Friend told us what were the habits of ancient Rome; but I think that the reference to a law which is now in successful operation in the greater part of Christendom is more to the purpose than an allusion to the custom which prevailed in a heathen State. I sincerely vote for this Bill, because I believe it to be wise, expedient, and, above all, just.

Lord HOUGHTON, in reply, said, that so much had been said in the interesting debate that it would be impossible for him to summarize it in the time at his disposal. The sole object of the Bill was to bring into harmony the law and the conscience of the people of this country; and he asked their Lordships, as wise legislators, to grant what the people desire. He left this matter in the hands of their Lordships in the full conviction that, by passing the Bill, they would be doing nothing which would tend to destroy the existing security of domestic life, while they would be complying with the opinion of an enormous majority of the House of Commons. If the measure were now rejected, it would come again before their Lordships, when the voice of the people would be heard still more strongly in its favour.

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Balinhard, L. (*E. Southesk.*)
Belper, L.
Boyle, L. (*E. Cork and Orrery.*)
Calthorpe, L.
Camoys, L.
Carew, L.
Carrington, L.
Dacre, L.
Ebury, L.
Erskine, L.
Gage, L. (*V. Gage.*)
Houghton, L. [*Teller.*]
Hylton, L.
Keane, L.
Lawrence, L.
Leigh, L.
Lismore, L. (*V. Lismore.*)
Lurgan, L.
Meldrum, L. (*M. Huntly.*)
Meredyth, L. (*L. Athlumney.*)
Monson, L.
Mont Eagle, L. (*M. Sligo.*)
Mostyn, L.
Northbrook, L.
Overstone, L.
Penzance, L.
Ponsonby, L. (*E. Bessborough.*)
Robartes, L.
Romilly, L.
Rosebery, L. (*E. Rosebery.*)
Seaton, L.
Sheffield, L. (*E. Sheffield.*)
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Suffield, L.
Templemore, L.
Truro, L.
Vernon, L.
Wentworth, L.
Westbury, L.
Wolverton, L.
Wrottesley, L.

NOT-CONTENTS.

Hatherley, L. (*L. Chancellor.*)

Marlborough, D. [*Teller.*]
Northumberland, D.
Richmond, D.
Somerset, D.
Wellington, D.

Exeter, M.
Salisbury, M.

Aylesford, E.
Bathurst, E.
Beauchamp, E.
Carnarvon, E.
Devon, E.
Effingham, E.
Erne, E.
Graham, E. (*D. Montrose.*)
Hardwicke, E.
Harewood, E.
Harrowby, E.
Kellie, E.
Lanesborough, E.
Manvers, E.
Nelson, E.
Romney, E.
Rosse, E.
Selkirk, E.
Shaftesbury, E.
Sommers, E.

Eversley, V.
Hawarden, V.

Bangor, Bp.
Chester, Bp.
Chichester, Bp.
Ely, Bp.
Gloucester and Bristol, Bp.
Lichfield, Bp.
Lincoln, Bp.
Llandaff, Bp.
London, Bp.
Oxford, Bp.
Peterborough, Bp.
Rochester, Bp.
Salisbury, Bp.
Winchester, Bp.

Boston, L.
Buckhurst, L.
Cairns, L.
Chelmsford, L.
Churston, L.
Colchester, L.
Colonsay, L.
Colville of Culross, L.
Congleton, L.
Crewe, L.
Dinevor, L.
Dunmore, L. (*E. Dunmore.*)
Fitzwalter, L.
Foxford, L. (*E. Limerick.*)
Grantley, L.
Headley, L.
Heytesbury, L.
Kesteven, L.
Lyttelton, L.
Lyveden, L. [*Teller.*]
Northwick, L.
Oranmore and Browne, L.
Penrhyn, L.

Redesdale, L.
Ross, L. (*E. Glasgow.*)
Sherborne, L.
Silchester, L. (*E. Longford.*)
Sinclair, L.
Sondes, L.
Stewart of Garlies, L. (*E. Galloway.*)
Strathspey, L. (*E. Seafield.*)
Sundridge, L. (*D. Argyll.*)
Wynford, L.

Resolved in the *Negative;* and Bill to be read 2ª on *this day six months.*

ECCLESIASTICAL TITLES ACT REPEAL BILL [H.L.]

A Bill to repeal an Act for preventing the assumption of certain Ecclesiastical Titles in respect of places in the United Kingdom—Was *presented* by The Lord Privy Seal; read 1ª. (No. 105.)

House adjourned at a quarter to Twelve o'clock, 'till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 19*th May*, 1870.

MINUTES.] — New Member Sworn — Hon. George Frederick Nugent Greville-Nugent, *for* Longford.

Public Bills — *Resolutions in Committee*—Metropolitan Board of Works Loans (Stamp Duty) *.

Committee—Irish Land [29]—r.p.; Army Enlistment * [106]—r.p.

Committee—Report—Feudal and Burgage Tenures Abolition (Scotland) * [48-130].

Considered as amended—Gas and Water Facilities * [77]; Wine and Beerhouse Act (1869) Amendment * [97].

Committee—Report—Considered as amended—Third Reading—Tramways (*re-comm.*) * [113], and *passed.*

ARMY—MILITARY STORES.

QUESTION.

Mr. MILLER said, he would beg to ask the Secretary of State for War, That, looking to the condition of some of the Admiralty stores, as described in this House by the Secretary to the Admiralty, whether any inspection of the stores for the use of the Army has been made since he came to his present office; and, if so, when; and whether he has any objection to state generally the condition in which they have been found; if not, whether it would not, in his opinion, be of importance to follow the example of the Admiralty and have the Army stores forthwith inspected, so that their condition may be ascertained?

Mr. CARDWELL, in reply, said, periodical inspections of Army stores were regularly held by officers specially appointed for that service, and the Reports carefully examined at the War Office. The last Annual Report was at the close of the financial year—namely, the 31st of March, 1870, and the result generally was, that the stores were in good condition, and fit for service. New stores were not purchased when these were already sufficient for use; obsolete and unserviceable stores were sold as the market suited. It would not be economical to force sales of surplus stores, which might afterwards have to be replaced at a higher price.

THE BROADMOOR ASYLUM.

QUESTION.

Dr. LUSH said, he would beg to ask the Secretary of State for the Home Department, Whether, having regard to the opinion of the Commissioners in Lunacy, expressed in their Report respecting the condition of Broadmoor Asylum at their visit, 14th October 1868, viz.,

> "That this is not in our opinion an efficient way of dealing with mental disease, however complicated with criminal habits and even dangerous violence, we conceive it our duty once more to put on record; but, the same remonstrance in effect having been made unavailingly at every visit of the Commissioners since Broadmoor was opened, it is with no expectation of any kind of present result that we repeat it now,"

he will take care to assure himself, before filling up the vacancy in the office of Superintendent of Broadmoor Asylum, that the physician to be appointed holds opinions in accordance with modern views of the proper treatment of insane persons?

Mr. BRUCE, in reply, said, that there had been a dispute of long standing between the Commissioners in Lunacy and the Directors of the Broadmoor Asylum as to the mode of treatment to be adopted towards the more violent lunatics. The hon. Gentleman had correctly quoted the Report of 1868; but it had reference to circumstances in 1867, which were exceptional. If the hon. Gentleman would wait for the Report of 1869, which had been delivered, and would be laid upon the Table shortly, he would find that it was much more satisfactory, and that the Commissioners were entirely satisfied with the present state of things. In saying this he was anxious that it should not be supposed that he made any reflection upon the character or position of the late Dr.

Meyer, whose recent loss was a very great one to the public service, and who was a man of great energy and ability, and possessing a thorough knowledge of his profession. The greatest care would necessarily be taken in the choice of his successor.

ARMY—MILITARY TRAIN AND THE CONTROL DEPARTMENT.—QUESTION.

MR. RAIKES said, he would beg to ask the Secretary of State for War, Whether it is intended to confirm the acting appointments in the Transport Branch of the Control Department held by thirteen Military Train Officers, viz., three as Commissaries and ten as Deputy Commissaries; whether such confirmation would confer a step of rank upon each Officer, and whether such was the result contemplated by the Government when the Royal Warrant for the Control Department, dated Jan. 1, 1870, was framed, or is it a violation of that Warrant; and, whether these Officers will be eligible for transfer to the Supply Branch; and, if so, whether their previous training and service qualify them to fill posts superior to those departmental Officers who have had experience in their duties, but over whom they would thus take precedence?

COLONEL LOYD LINDSAY said, he would beg also to ask the right hon. Gentleman, Whether he will inquire into the claims of other Officers senior to the thirteen in question, who would have been glad to have accepted the posts now given to their juniors?

MR. CARDWELL, in reply, said, that it was intended to confirm these appointments if well reported on at the end of the year's probation. The relative rank of each of these officers would be higher than the substantive rank they held in the Military Train. The result intended was, that the officers, instead of being placed on half-pay, should be transferred with their work and their men to the new corps. The senior officers not volunteering, the juniors obtained the advantage. He believed, therefore, that in what had been done there had been no violation of the Royal Warrant. These officers would, as a rule, be employed in the duties for which their previous training had most qualified them; but would be available for any duties which the public service required from them. With reference to the Question asked by his hon. and gallant Friend (Colonel Loyd Lindsay), he might say that the officers of the Military Train had been liberally treated as respected unattached promotion; but if any case of hardship were brought to his notice, he should certainly think it his duty to inquire into it.

HUDSON'S BAY COMPANY.

QUESTION.

VISCOUNT MILTON said, he wished to ask Mr. Chancellor of the Exchequer, Whether he has any objection to lay upon the Table of the House a Statement disclosing the amount paid to the Crown by the Hudson's Bay Company under the statute of the 4th William and Mary, chapter 15, in respect of Rupert's Land, and when such payments ceased to be made; and also the amount of rent received under Licences granted in and pursuant to the Act 1 and 2 George IV., chapter 66, for the purpose of enabling such company to trade in the Saskatchwan and Red River Territories; as also to lay upon the Table of this House Copies of any licences that may have been granted in pursuance of the last-mentioned statute up to the present time?

MR. STANSFELD said, he would endeavour to answer his noble Friend's Question——

VISCOUNT MILTON: I beg your pardon. I asked the Chancellor of the Exchequer.

MR. STANSFELD not giving way, Viscount MILTON left the House.

MR. STANSFELD said, in the absence of the noble Lord he would, for the satisfaction of the House, answer the Question which had been put. The noble Lord's Questions were not always very easy to answer, and not always easy to understand. But with regard to the first Question, he had referred to the statute in question, and had also taken the trouble to refer to the accounts so far as he could, and the receipts during the period referred to, which was 180 years ago. By the statute of William and Mary, a tax, he believed of £5 per share, was to be levied for one year upon the Hudson's Bay Company shares. But he had been unable, from the details which existed, to find anything that would enable him to answer the Question of the noble Lord, and he thought it highly improbable that details and receipts, calculated to furnish what the noble Lord required, should have been preserved for so long a period. The noble Lord asked for the amount of rent received under the licences, and, as far as his researches enabled him to arrive at a conclusion in the matter, he believed that the company required no licence to trade in the Saskatchwan and the Red River Territories, because that portion was covered by the original charter of the company. Lastly, the noble Lord inquired whether there was any objection to lay copies of licences upon the Table. The only objection was that they saw no possible good in complying with the request.

NAVY—PENSIONS FOR FLAG OFFICERS. QUESTION.

Mr. HANBURY TRACY said, he would beg to ask the First Lord of the Admiralty, If he will take into consideration the propriety of creating a few temporary pensions out of the Greenwich Hospital Estates, for the benefit of the distinguished Flag Officers who were retired by Order in Council in 1866, without any compensation whatever, and have now but little prospect of receiving the ordinary Greenwich Hospital Pension?

Mr. CHILDERS replied, that in 1865 a charge was made on the Greenwich Hospital income for pensions for certain officers, and of these 10 were to be granted to flag officers on the active list to induce them to retire. That was a questionable arrangement, and it was altered by the plan of retirement adopted two months ago, which provided that these pensions should only be given to retired flag officers. This arrangement had been found to be very satisfactory. The hon. Gentleman asked him to extend these pensions and give more of them to the officers referred to. His (Mr. Childers') difficulty was that there had always been a great objection to charging the Greenwich Hospital income with pensions for officers, and he feared that, if he carried further to any large extent the provisions of the Act of 1865, there would be naturally considerable objection raised. The state of things was this—out of 10 pensions granted only nine had been actually assigned. One had never yet been appropriated, and would not be assigned until the death of an officer who had been an officer in Greenwich Hospital. He would not make any promise; but he would consider whether this additional pension might not now be granted.

DUTY ON CARRIAGES.—QUESTION.

Mr. C. S. READ said, he would beg to ask Mr. Chancellor of the Exchequer, If Coachmakers who lend carriages to their customers (free of any charge whatever), during the time their customers' carriages are undergoing repairs, are liable for Duty on carriages so lent; whether such carriages being actually exchanged or bought, the Coachmakers will still be liable for the Duty; and, if the Inland Revenue Department are correct in stating that "the Law requires a licence to be taken out for every carriage used?"

The CHANCELLOR of the EXCHEQUER: Sir, in the first place I must correct my hon. Friend—there is no duty on carriages at all now. The duty is for the use of a particular carriage, and for using it; and if a coachmaker keeps a carriage and lets it to one of his customers, he must take out a licence for it, or else he will be liable to a penalty. If the carriage is exchanged or bought the coachmaker will not get his money back; but the person who has bought the carriage, or taken it in exchange, must take out a fresh licence. Whether the Revenue Department are correct in stating that "the law requires a licence to be taken out for every carriage used," must depend on the context. The proposition is generally true; but it must be taken with this qualification—if the proprietor of a carriage takes out a licence, and during the currency of the licence sells that carriage and buys another, so that he has not more than one carriage in use at one time, he is not liable to any penalty.

Sir GEORGE JENKINSON said, he would beg to ask whether a man should take out a licence for a carriage not actually in use though actually in possession?

The CHANCELLOR of the EXCHEQUER: If the carriage is not used during the year there is no occasion to take out a licence.

THE PATENT OFFICE—CASE OF MR. EDMUNDS.—QUESTION.

Sir JAMES ELPHINSTONE: I beg to ask the First Lord of the Treasury a Question of which I have given him private Notice. It will be necessary to make a very short explanation of this Question—which, I trust, the House will permit me to do—with respect to Mr. Edmunds, who is generally known in connection with what has been called the "Edmunds' Scandal." Mr. Edmunds was accused of being a defaulter to the Government. A Committee was appointed for the purpose of investigating the question. They did not go into his accounts or submit them to audit. Other proceedings followed, upon which Vice Chancellor Giffard—now Lord Justice Giffard—entirely cleared Mr. Edmunds' character in these words—

> "In one respect I am bound to say that the arguments and the evidence adduced on behalf of Mr. Edmunds have been successful—that is to say, they have been successful in clearing his character from all imputations."

And the Vice Chancellor thus closed his judgment—

> "I repeat, as I said at the outset, that the defendant's evidence has removed any imputation that could be justly or fairly cast upon his character; and, having regard to all the circumstances, difficult position in which he was placed, and the fact of the audits being refused, I shall certainly not make him pay any costs."

Subsequent proceedings took place, and the case was eventually referred to the arbitration of two barristers. ["Order!"] If it is disagreeable to hon. Gentlemen that I should proceed in this way, I will conclude with a Motion. The case was referred to arbitration, as I have said; but the arbitrators did not go into the accounts, which had been audited by Messrs. Chatteris and Nichols and found to be correct. They did not examine Mr. Edmunds' witnesses; but they gave what I cannot help thinking was an *ex parte* decision upon the question, in which they found Mr. Edmunds liable for sums of money which were clearly accounted for in the bank books in their possession. In consequence of that, Mr. Edmunds' private fortune has been utterly and entirely ruined—he is a ruined man. We are now informed that the Government intend to proceed against him; and it is stated, on good authority, that, by the Chancellor of the Exchequer, or by his order, a writ has been issued against Mr. Edmunds for the purpose of placing him in Whitecross Street Prison—notwithstanding that imprisonment for debt in all private transactions has been abolished by Act of Parliament. In the meanwhile, Mr. Edmunds has taken the only means he is advised is open to him for bringing his case under the consideration of a jury. That can take place not later than the beginning of July. It it understood that he will be arrested, incarcerated, and detained in gaol, and thereby prevented from meeting a jury of his countrymen to decide upon a question as to which I, in common with many others, both noblemen and gentlemen, consider there has been one of the gravest miscarriages of justice that have occurred within my recollection. I beg to ask the right hon. Gentleman the Chancellor of the Exchequer, Whether he has given an order for the arrest of Mr. Edmunds, and, if he has done so, whether he will consent to countermand the order until Mr. Edmunds has had an opportunity of obtaining the consideration of his case by a jury of his countrymen? I beg leave to move that this House do now adjourn.

Motion made, and Question proposed, "That this House do now adjourn."—(*Sir James Elphinstone.*)

THE CHANCELLOR OF THE EXCHEQUER: Sir, the case with regard to Mr. Edmunds is exceedingly simple, and can be stated in a very few words. At his own earnest request the question at issue between him and the Government, which was whether he was in default—I wish to use the mildest expression I can select—in respect of a large sum of money received by him in his office, was referred to the arbitration of two barristers, one of whom was appointed by Mr. Edmunds himself. They found that Mr. Edmunds was indebted to the Government in the sum of £7,142 13*s*. The Government have taken up their award, paying half the expenses of it, though the whole was awarded to be paid by Mr. Edmunds, the amount being £601 16*s*. Under these circumstances judgment was signed on the 11th of April, and execution has been issued against Mr. Edmunds under the advice of the Law Officers of the Crown, and the writ is now in the hands of the officer for execution. I am a consenting party to that, and I have not the least intention of holding my hand, and standing between the execution of this writ and Mr. Edmunds. The hon. Baronet speaks as if there was some appeal that would be made by Mr. Edmunds to a jury. Had there been any possibility of the decision which I have mentioned being reversed by any tribunal whatever, it would be the duty of the Government to wait and hear the decision of that tribunal; but the House is well aware that when a case has been left by consent to arbitration, and the arbitrators have made their award, and execution has issued in regular form, there is no tribunal in the country that can rip up these proceedings again. What the hon. Baronet has alluded to is this—that Mr. Edmunds has commenced an action against the Lords of the Treasury for certain expressions in a Minute of theirs, in reference to this transaction. That action Mr. Edmunds is at perfect liberty to bring, and nothing we are doing can prevent him; but I see no reason whatever, because Mr. Edmunds is of opinion that the Lords of the Treasury have libelled him, why I should forbear to issue this process to recover a large sum of public money for which he has been found liable. That is the whole state of the case, and I hope my answer will be satisfactory to the House.

Mr. HORSMAN said, he was not aware, before entering the House, that anything would be said on this subject to-day, and he intended to offer only one or two remarks respecting it. He confessed he had heard the statement of his right hon. Friend with great regret, and he would now say exactly what he knew about the matter. About a year and a-half ago, when this subject was under the consideration of the Treasury, Mr. Edmunds applied to different Gentlemen in the House to look into it and take up his case. Among others he (Mr. Horsman) was spoken to, and he declined to interfere. Afterwards it was stated to be a very hard case, and it was considered that, upon public grounds, investigation was necessary. At last, in consequence of a strong pressure put upon them, a former Member of that House, Sir James Fergusson, and himself, agreed to look into the case, on one condition—namely, that Mr. Edmunds submitted all his accounts to one of the most eminent accountants in London, named by themselves; and they promised that, if the report of that accountant was favourable to Mr. Edmunds, then they would ask the Treasury to take his case into their consideration. Mr. Edmunds' accounts were accordingly submitted to the accountant in question, whose report was entirely favourable to Mr. Edmunds; and, on that ground, they did privately state to the Treasury that they thought the case ought to receive their favourable consideration. Afterwards, there came the trial, which he (Mr. Horsman) watched with interest; and he was glad to see that the judgment of the Vice Chancellor confirmed the report that the accountant had made. Again, he had seen the report of the result of the arbitration, and he could not take upon himself to say that the judgment of the arbitrators was not a sound one; but the conclusion he came to from the first — and on which his mind was made up long ago — was, that Mr. Edmunds had been an extremely foolish, but not a consciously or intentionally dishonest man. That he believed to be the truth of the matter. Whether he ought now to be proceeded against, to the extent of his incarceration, should depend on the question not whether he was a debtor, but whether he was a fraudulent debtor? He (Mr. Horsman) must say he had not yet found that character fairly attached to any part of his conduct. He might have been imprudent, foolish, obstinate, and even stupid; but still if, as he believed, there was nothing wilfully, consciously, and intentionally dishonest, he thought his incarceration — especially in these days, when debtors were not usually imprisoned — would be a very strong proceeding. He had never, directly or indirectly, held any communication with Mr. Edmunds since the investigation he had alluded to; but, having then taken some part in this matter, he thought it his duty to state to the House what he knew of the circumstances of the case.

The ATTORNEY GENERAL: Sir, my right hon. Friend (Mr. Horsman) was correct in saying that Mr. Edmunds' case came before Vice Chancellor Giffard; but it was a comparatively small portion of the case that came before the Vice Chancellor, and related only to a portion of the accounts—namely, with reference to the skins or parchments. Mr. Edmunds brought an action against Mr. Greenwood, the Solicitor to the Treasury; and Mr. Edmunds was very anxious that all the matters involved in that action, and all the disputes between him and the Crown, should be referred to arbitration. That request was acceded to by the late Government; and, in pursuance of an arrangement, which was in a great degree entered into between them and Mr. Edmunds, the present Government subsequently agreed to Mr. Edmunds' request, that all the matters of difference between him and the Crown, and also between him and Mr. Greenwood, the Solicitor to the Treasury, should be referred to arbitration. The matter was accordingly referred to two arbitrators —the one appointed by the Crown, and the other by Mr. Edmunds. Mr. Denman was one, and Mr. Pollock, Q.C., was the other gentleman, whom everybody would admit to be arbitrators of the highest character. The arbitrators appointed an umpire—Mr. Manisty, also a very eminent Queen's Counsel. We have reason to know that the two arbitrators entirely agreed—so that it was not necessary to call in the umpire at all; and they agreed that Mr. Edmunds, notwithstanding his previous repayments to the amount of £7,000 and upwards, still owed to the public the sum of nearly £8,000. I do not hesitate to say that the case against Mr. Edmunds appears to me a very serious one indeed. I think it right to state that I do not think it necessary to accuse him of absolute fraud; but there is no question in my mind—and I am bound to say this, after what has fallen from the right hon. Gentleman—that he is open to very grave censure indeed. [Mr. HORSMAN: Hear, hear!] It has now been decided, by a tribunal that cannot be questioned, that Mr. Edmunds altogether owed the public, I think, the sum of £15,000 or £16,000. That is the position in which the matter stands. [Mr. HORSMAN: The accounts extended over some 30 years.] Yes, and I confess that appears to me to make the case rather worse; for he owed the public much of that money for years and years, and must have known that he owed it. I think it, therefore, very questionable whether the Exchequer, or my right hon. Friend the Chancellor of the Exchequer, would be justified in allowing further delay to intervene, before the payment by Mr. Edmunds of the moneys to which the public are entitled, and which he has so long detained.

SIR JAMES ELPHINSTONE: I wish, Sir, to give notice that I will, at no distant day, move an humble Address to Her Majesty, praying for the appointment of such a Commission as that which sat at Weedon, to investigate the whole of the matters in dispute between the Crown and Mr. Edmunds. I now beg leave to withdraw my Motion for the adjournment.

The Attorney General

THE ATTORNEY GENERAL: I desire to say, in order that there may be no misapprehension, that Mr. Edmunds himself repaid the sum of £7,000. The further sum was found to be due from him, and it is to recover that sum that process has now been issued.

Motion, by leave, *withdrawn.*

IRISH LAND BILL—[BILL 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

COMMITTEE. [*Progress* 16*th May.*]

Bill *considered* in Committee.

(In the Committee.)

SIR JOHN GRAY said, he rose to move that the clause which stood in his name on the Paper be read a first time; and before proceeding to discuss the subject-matter of his proposition, he wished to remove two misapprehensions that had been industriously circulated for the purpose of prejudicing the Committee, and especially some of the Irish Members, against his proposal. He would deal with the latter first. It was whispered about that the clause as it now stood was different in principle and in detail from that which was originally placed on the Notice Paper in March, and the increased length of the clause was dexterously used to prop up the assertion. Any Gentleman who took the trouble of reading the Notice given by him in March, and the clause as he now presented it, would see that the difference consisted principally in the addition of a clause with special provisions for the protection of remainder-men, which was of necessity nearly as long as the original clause, and that the clause dealing with absolute owners, as distinct from the limited owners of settled estates, did not in its operative details differ in the slightest degree from the clause as at first proposed by him, though there were some provisions for registration, notices, and other mere forms of procedure added to give it completeness. The motive of these misrepresentations was too obvious to require exposure, and he would content himself by thus refuting the assertion. The other misrepresentation was, that he intended that his clauses should supersede the Government Bill, and that they were in fact a rival Bill. This was as fallacious as the other was false. He did intend and hope that if his clauses were accepted they would render the main clauses of the Government Bill inoperative; but they would, if accepted, depend on the force exerted by the Government clauses, and the incertitude produced by them, for their practical acceptance and application. His intention was not to set aside or supersede, but to supplement the Bill, and by offering another alternative to the many already embodied in the Bill, substitute in action fixed tenure with an improving rent for a system of eviction with compensation for the wrong done, which was the proposed operation of the Bill as it stood. What was wanted in Ireland was oblivion of the past, based on a generous reconciliation between the landlord and the tenant classes. His clauses offered this reconciliation as an alternative to litigation, and the Government must be prepared to accept all the responsibility of setting up its will against that of the Irish people, and systematically insisting that the old Irish feuds should be perpetuated, and that a reconciliation of classes should be rendered impossible by Act of Parliament. His clause was intended for no such ambitious purpose as the paternal feelings of the Government towards their Bill suggested to them. He did not even ask for any new powers — his clause only proposed to make an exception to one of the sweeping provisions of the Bill, and that was the reason which caused him at first to bring it forward in the shape of a proviso exempting certain arrangements from the Government clause which forbade free contract between the tenant and the landlord. The clause, if passed by the Committee, would not in any respect alter the existing law. It would not confer new powers that do not now exist. It was intended only to retain in favour of the good and generous and just landlord his present legal power to enter into amicable and just contracts with his tenants. Under the existing law any absolute owner could enter into an arrangement, and establish as the rule of his estate the series of provisions as to tenancy embodied in his clause, and the practical effect of his clause would be to retain that power for the landlord on condition that he covenanted that if he used the power of free contract, the interest of the tenant should be protected by the very same procedure that secured to the landlord his present legal power of free contract. The Bill deprives alike the good and the bad landlord of that freedom, and coerces both to submit in all things to its provisions, and not to travel out of them, no matter how advantageous to landlord or to tenant, or to both, and to society at large. He approved of the object of rendering agreements void which contracted the parties out of the Bill. It was a humane policy intended to protect the tenant from undue pressure by the bad landlord, and to preserve to him all the advantages of the Act. His clause gave the same protection with this difference — it would protect the tenant from eviction if the landlord wished to contract himself out of the Bill, and would allow such contracts only on the condition that the tenant should be evictable on none save defined statutory grounds. It would substitute, by the will of the owner and assent of the tenant, fixed tenure and fair rents for compensation after eviction. It would prevent the evil of eviction, not punish for its infliction. He would illustrate the position by pointing to a case with the details of which he was conversant. His hon. Friend the senior Member for Wexford was at that moment engaged in preparing an arrangement with his tenants to give them fixed tenures at fair and equitable rents. If that arrangement was completed before the Land Bill became law it would be a valid arrangement; but should the Bill receive the Royal Assent before the agreement shall have been perfected, the arrangement would be rendered absolutely void by the proposed law as regarded all tenants valued under £50, which included all tenants who pay a rent of about £60 a year or under. The Committee would remember the unwillingness of the Government to place the tenant of the South, who had the benefit of an existing tenant-right custom, in the same advantageous position as it proposed to place the Northern tenant. Refusal after refusal came from the Treasury Benches, but common sense prevailed in the end, and the Government retraced their steps without pressure when least expected, and those who supported them in force in their policy of injustice to the Southerns afterwards supported them with equal unanimity in their altered policy. Lord Portsmouth's rule of estate was one of the cases cited in the debates he referred to. Lord Portsmouth created a tenant-right custom on his estate. Lord Granard introduced a similar custom on his Longford estates; but under the Bill, if not altered, no landlord could create such a beneficent custom henceforth, save for the larger tenants, and if he aimed at reconciliation he must first wade through the mire of consolidation. He wished to impress this on the Committee. At present the law allowed reconciliation between the hostile classes. Under the new law there would be more than 300,000 tenants in the three Provinces, Munster, Connaught, and Leinster, shut out from reconciliation, and forced by the Government into litigation and hostility. He might say, without the risk of being deemed egotistical, that he had at least the means of acquiring a thorough knowledge of the feelings of the Irish people on the land question. It was an old question, and it ever presented throughout its history the one distinct phase—the desire of the people to be rooted in their own soil and not expelled at the caprice of others. It was the same question from Strongbow to Elizabeth; from Elizabeth to James; from James to Cromwell; from Cromwell to William; from William to Victoria. For more than seven centuries they had strife and discord, arising out of the efforts of the conquerors to force English ideas on the Irish people. He would end this strife and contention at once, and was anxious to attempt it even by the gradual process under the permissive principle. Under it he aimed at an oblivion of past wrongs, a general spread of reconciliation; the generosity of the landlord offering justice in the future as a free gift voluntarily offered and gratefully accepted, thus laying, in friendship and gratitude, the basis of lasting goodwill, confidence, and unity, where all was discord, distrust, and hatred. He implored the Government, if they really meant to render Ireland peaceful and prosperous, not to allow any pride of paternity to mar so glorious a prospect as was opened to them by refusing to permit the landlords of Ireland to adopt the principle that, in present justice, there should be a general amnesty for past wrongs. If he thought he could carry a compulsory clause enforcing reconciliation he would try it; but he knew that he must fail in the present state of opinion in the House, and he therefore proposed, with the approval of a large number of the Irish Members, the permissive and voluntary plan. Having thus removed apprehension as to what was the real object of this clause, having shown that it was only to retain for those who were disposed to reconcile themselves to their tenantry the legal power they possessed to do so, he would now proceed to explain in detail the special protections provided for the tenant. The rules of the tenancy proposed constituted, in fact, the only points to be discussed, and two questions arose as to them—were they sufficiently protective to the tenant, and were they just as respects the landlord? The representatives of the tenant interests were the parties to determine the first, and they had already decided that they were. The landlords, as represented by the declaration forwarded to the Government, practically settled the other question; but, in fact, as it was a purely voluntary arrangement, and as it was only asked that the landlord be not disabled by the Act from doing that which he now can do, no landlord need adopt it if he did not like, as no tenant can be forced to accept unless they agree, and, therefore, no real difficulty can arise as to the second question. In order to avoid trespassing too much on the indulgence of the Committee, he would deal first, without regard to their numerical order, with the rules that were not likely to be disputed, and then come to those upon which differences of opinion might exist. The 1st rule enabled the landlord and tenant mutually to agree upon the future rent; that, he presumed, would not be disputed even from the Treasury Bench. The 3rd rule declared the interest in the farm to be a chattel interest; but shut out the possibility of its being sublet or subdivided by either the tenant or his testamentary or other legal representatives, and declared that whenever sold it must be sold as one whole and undivided farm. In order to prevent injustice the Court might be appealed to in special cases, as of minority, lunacy, a large farm, to empower the tenant on good grounds to divide his farm, or the legal representative temporarily to sublet it, if the landlord proved unreasoning. The 6th rule enabled the landlord and tenant to agree to a fine and a fixed rent instead of a variable rent. This was an extension of the Government principle of sale and purchase applied to fee-farm grants, and therefore could not be reasonably objected to by the Treasury, as it was only an adaptation of Part III. of this Bill. In this rule the interests of all encumbrancers were amply protected. Rule 8 was almost a copy of the clause with respect to the buying out of the Ulster custom, and the registration rule was a mere detail of form analagous to the forms of notice served under the Railway Clauses Ireland Act. He had thus briefly disposed of all the rules save Rule 2 and Rule 5, one relating to rent and the other to tenure. The tenure was to be a continuous tenure, fixed and certain, giving statutory grounds on which alone disturbance, the new word for eviction, coined by the Government, could take place. And these causes were such as no honest tenant would object to—non-payment of rent—subletting or subdividing without the assent of the landlord or of the Court, and waste or dilapidation, declared by the Court to be sufficient to warrant the termination of a destructive tenancy. He thought that the landlord who voluntarily gave fixity of tenure to the tenant was entitled to protection against having the corpus of his property wasted, and the tenant had the counter-protection that he would have an equity of redemption in all cases of eviction. This rule was the essential part of the provisions. It would stop capricious eviction, instead of compensating the tenant for being ruined. The right hon. Gentleman at the head of the Government spoke with great pathos and forcible eloquence of the evils that resulted from capricious evictions in Ireland, and described the evicted as a man not only disturbed in his occupation, but as deprived of his future means of livelihood. Yet the Government Bill only provided compensation for ruin so complete. Rule 5 of the tenancies under his (Sir John Gray's) clause would stop the ruin, prevent the industrious man from being deprived of a livelihood for himself and family, and thus create content, security, confidence, hope, peace, and good-will throughout the land if generally adopted. That rule was the essence of the clause. It was acted on by the late Lord Derby on his Tipperary estates; and in 1847 he said of these tenants that they had a practical fixity of tenure, and that he did not object to it as a landlord. The rule would, nevertheless, be objected to by the Government as revolutionary. He would deal with that suggestion again; but for the present he would accept the term and admit that it would revolutionize Ireland, if generally adopted, by substituting peace and reconciliation for disorder and hatred. He would now come to the rule which the *doctrinaires* on the Government Benches would most noisily protest against. The Rule No. 2 provided for the rapid, prompt, and certain adjustment of all differences as to rent by the arbitration of the Court acting as umpire between the landlord and tenant. ["Hear, hear!" *from the Treasury Benches.*] He perceived that the Government objected to the provision; but he contended that it was essential, if the landlord gave fixed tenure, that a sure means should be provided for enabling the landlord who could not evict to get such fair increase of rent as was his just due, and enabling a tenant who had made a property by his outlay on the holding, and who would have no claim if he surrendered, to be protected against the contingency of a continous disagreement with his landlord as to the proper and just rent. What better means could be desired than letting the Court act as sole arbitrator—practically as umpire—between the landlord and the tenant, and thus stopping all disputes on the point by fixing on a rent for the ensuing 14 years, with power on mutual agreement by the parties to substitute a free contract rent. This appeal to the arbitration, was in fact, not coercive as a fixed rule for determining a rent—it was a protective power of ending disputes, and, if the two parties were reasonable and a little yielding, they need never go to the Court. If neighbours failed to make them agree, then, and then only, was the Court appealed to as an arbitrator, to force accord, and terminate the dispute. In practice the Court would probably, in most cases, divide the amount in dispute, and send both parties away friends and contented. In all cases the decision of the Court would be accepted as the justice of the case; and it certainly did not lie in the mouth of the Government to object to the Court on which they themselves conferred such unlimited power, being entrusted with the power of amicably arranging a question of this kind. But it will be said that the principle of valued rents is introduced into the Bill by this rule. The principle is embodied in the rule, that he would admit; but the principle was not introduced by him: it was taken from the Bill, which is saturated in every clause with the principle, and which enforces the practice of valuing rents. This he would show to the satisfaction of the Committee by referring to the terms of the Bill as amended, in which "rent" is constantly set out as one of the terms to be determined on by the Court as to its fairness or the extravagant extortion of it. ["No, no!"] The Minister says no—the Bill must speak for itself. In Clause 4, sub-Section 4, he found these words, in the amended as well as in the original clause—"A tenant shall not be entitled to compensation" if he quits his holding of his own accord, if the Court finds that he was given—

> "permission by his landlord to dispose of his interest in his improvements to an incoming tenant upon such terms as the Court may deem reasonable."

Was that clause a sham, or was it a reality? If a reality, what did it mean, if not that the tenant was to get, at the option of the landlord, permission to sell his interest to the incomer, but that the Court was to judge as to the equity of the terms on which the permission was given. The first element for the consideration of the Court in such a case would be the rent to be paid by the new tenant. Let any man who understood land and the dealings with it examine how that clause would work—if it worked at all. Should the landlord demand an increased rent from the incoming tenant, might he not by that rent devour all the value of the outgoing tenant's interest? The words—"upon such terms as the Court may deem reasonable" enabled the Court to check the unscrupulous, and an offer to allow the tenant to sell, unless accompanied with an undertaking that the rent be not unfairly increased, would be a mere trap for both tenants, and the Court would denounce it as a fraud, and proceed at once to fix the rent and subject the landlord to the penalty of purchasing the improvements himself if he refused to accept the valuation of the Court as to the terms of his permission to sell. If the clause meant anything, and if words had meaning, the principle of determining by a third party what is a fair rent was abundantly embodied in the 4th clause. He (Sir John Gray) approved of it, and copied it in his own clause. What he contended for was that the Bill, and not his clause or rule, introduced the principle of valued rents. In the last paragraph of Section 4 he found the principle still more clearly stated. In awarding compensation under that paragraph, the Court was to take into consideration "the rent at which such holding has been held." Here the very word "rent" was embodied in the clause; thus, in terms, declaring that which in the absence of the word "rent" might be said to be a matter of inference only, for if the Court did not estimate the value of the holding, how could it estimate the fairness or unfairness of the rent? The Court, to carry out this clause and give it force, must endeavour to arrive at the just value of the holding, ascertain the just rent by valuation, and then compare the valued rent with the actual rent in order to determine was the rent a fair rent, a high rent or a low rent, and on that ascertainment award the compensation. Yet the Government denied that their Bill embodied a valuation of rent, and would, as he understood, oppose his clause, because, indeed, the doctrine of valued rent was imported into it. In the 14th, or Equities Clause, introduced to the House by the Premier with a boast that it embraced the right of having the rent considered by the Court, the same principle was to be found. In Clause 24, the term "a fair yearly rent," irrespective of the value of improvements, was introduced and applied to reserved rents under leases granted by limited owners. Who was to ascertain the fair yearly rent? Not the owner—not the tenant; the Court was to judge if it be a fair or an unfair rent, and it could do that only by some process of valuation. He would refer to one other clause only, as he was unwilling to trespass too much on the indulgence of the Committee. In Clause 6 the same words occurred, but in Clause 8 they were used in a still more direct manner, so as to remove the question from the region of inference to that of fact. That clause (8th) applied to persons disturbed for non-payment of rent due to the landlord, and the Court was empowered to inquire into the amount of rent contracted to be paid—and part of which remained unpaid—and to determine that the eviction, though nominally an eviction for non-payment of rent, was nevertheless a disturbance under the Act if they determine that the rent was an excessive or unfair rent. He contended, then, that their own Bill was saturated with the just principle of valuation which he embodied in his clause, adopting it from the Bill, but not importing it into it. He would add a few words to show that the Bill also was laden with alternatives. The 1st clause gave the Ulster tenant, as an alternative claim, either the "custom" or the scale under Clause 3. The 2nd clause gave the same to the man in enjoyment of a Southern "custom," and the 3rd clause gave every person within the scale the alternative to claim in one of two ways. What, he would ask, was the lease but an alternative plan by which landlord and tenant could escape the specialities of the Bill? What was the clause fixing the £50 valuation as the contracting limit but an alternative scheme? In fact, the Bill was already as full of alternatives as it was of valuation; and his clause, instead of being a new Bill, as was asserted by the Government organs who were inspired to assail it, was only one other, but more just alternative which he proposed to add as one tending to substitute reconciliation for litigation. He would now say a word or two as to the opinion of the Irish public as to the clause he proposed. A declaration approving of identical principles was presented to the Government some months since, and he would ask the Committee to examine for themselves the meaning and force of that memorial. The Irish Landlords' Committee, in a recent official Report, stated that the Ulster tenant was secured by Clause 1, what was "practically a lease in perpetuity with powers to sell," and computed that if to the Ulster tenants, who could prove the custom, were added the Southern tenants in the same position, the numbers would be such as to warrant the conclusion that 205,549 tenants, chiefly Ulster tenants-at-will, would hereafter enjoy perpetuity tenures. He, therefore, deducted the 9 counties of Ulster from the 32 of Ireland, and of the remaining 23, he found no less than 22 represented in the memorial to which he referred, by 39 Members of Parliament, Wicklow alone being unrepresented. 16 of the counties were represented by 22 county Members representing land, and 10 city or borough Members, and 6 other counties were represented by 7 city or borough Members, as Dublin, Waterford, Carlow, leaving one county only unrepresented. The tenants of these vast areas, who would be excluded from a policy of reconciliation based on justice by the rejection of the clause by the Government—for the Committee would in this do whatever the Government ordered—amounted to 311,138, and all these, save only 6,428 in Wicklow, were represented by their constitutional representatives in the demand made on the Cabinet. The Irish Conservative Press, the National, the Liberal—all save the Government organs—approved either of his clauses or of Judge Longfield's, some preferring one, some preferring the other, but all preferring any one of them to the Government rule of litigation. *The Times*, the organ of the English nation, urged the acceptance of his clause with as much earnestness and more ability than he could command, the opposition came from the Government and the Government organs. Was it wise, was it prudent to ignore such a body of Irish opinion, so united, so earnest, and thus force all reasonable men to conclude that the forcing on Ireland of English ideas was as much the policy of the Cabinet to-day, as it was in the days when the language and customs of the Irish race were doomed to annihilation? The official organ told them a few days since that this permissive clause would be forced on landlords by the revolver. The calumny was unfounded. What inducement was offered for the use of the revolver by this clause, that was not ten-fold greater as regards the Purchase Clause so lauded by the Cabinet? Under his (Sir John Gray's) clause the tenant had an almost certainty of having to pay a continuously increasing rent were he to force the landlord to adopt it. To be sure, if he had to pay the increase he would receive in return an increased profit to enable him to do so, and for every shilling additional he had to pay he would pocket three. But in the case of the purchase at the 21 years' rent, as computed by the Government on the present average price brought by land, the tenant who could force his landlord into a sale, would have as the result an instant diminution of rent of nearly 20 per cent, the actual amount being a fraction over 19½, and a certainty that at the end of 35 years he would have no rent at all to pay but to the landlord of his own farm. Which plan, then, held out the inducement to use force with the landlord; that which gave a reduction of 20 per cent on all rents at once, and an assurance that the time would come when there would be no rent, or that which promises an increase of rent—a perpetual rent—and only offers a security against eviction? He did not object to the purchase plan—and he availed himself of this opportunity of thanking his hon. Friend the Member for Limerick for having succeeded in securing a reduction of the interest payable by the tenant from £6 10*s.* to £5 yearly. In that he did a great service. But he knew the tenants would not use threats or terror in either case, and not believing that the landlords would break up their estates by selling 10 acres here and 20 acres there—that, in fact, the Purchase Clause would be a dead letter—he was anxious to fix and root the 300,000 Southerns in the soil as firmly as the 200,000 Northerns, and turn them at once to industry by the certainty of their future. He would, perhaps, be told that his idea and the Irish idea of fixed tenure was revolutionary, but he would warn those who had to rule Ireland that they must look to a higher philosophy than that of rigid and cold logic in the effort to touch the feelings and win the hearts of a people. The rules of logic were sound, and those of economy were equally useful; but if men aim at ruling a people with the success of statesmen, they must consult the instincts of the governed as well as the rigid maxims of political science, and he, for one, would prefer being called revolutionary by those who ignored the feelings of a people to being deemed wise or sage on the condition of adopting a cold and heartless philosophy. His hon. Friend the Member for Clonmel was denounced as revolutionary a few nights since by the Chief Secretary for Ireland, because he was sufficiently unorthodox to propose something outside the Government Bill. He would advise his Friend to disregard the denunciation. There was little force, less argument, and no logic in the application of such terms to men who advanced with the times, and he would add that when the term was applied in that House by the right hon. Gentleman the Chief Secretary for Ireland it was utterly destitute of weight—destitute of weight, not because everything said by his right hon. Friend was not entitled to the greatest respect because of his high official position, to still higher respect because of his personal qualities, his great ability, and his high character, but because on this question, and with respect to this special term, he has put himself without the pale of influence, and stripped his denunciation of all authority. The right hon. Gentleman used the term revolutionary too often and too recklessly. He, (Sir John Gray) addressed the Mayor and citizens of Kilkenny, in 1867, on the land question, and ventured to suggest that the alternative of fixity of tenure or a peasant proprietary by purchase be offered to the landlord, and his right hon. Friend, then sitting on the opposite Benches, denounced him as a revolutionist amidst the cheers of the House. But he was not pilloried alone. John Stuart Mill, the philosopher of the day, had promulgated the idea of a peasant proprietary, and the right hon. Gentleman placed him in the same pillory, and branded him also as a revolutionist. Another, and a greater than both—a man whose absence from that House they all deplored, and for whose speedy restoration to health every lover of his country and of his kind would earnestly pray — John Bright — propounded the same revolutionary doctrine from below the Gangway, and he, too, was put side by side with himself and Mr. Mill in the political pillory, and also branded revolutionist. This, Sir, was in the spring of 1867, and there they were three years later; and his right hon. Friend the Chief Secretary for Ireland having changed sides, was at that moment giving force and effect, as a member of the Queen's Cabinet, to the principles he but three years ago denounced as revolutionary; and the Bright Clauses were accepted by the whole Committee, at his suggestion, as the most valuable, if not the only really valuable, clauses of the Ministerial measure. The word revolution then had no terrors for him, and he would recommend his hon. Friend the Member for Clonmel to regard it at its true value. But there was a revolution which was to be met and combated. What stayed the progress of revolution in Prussia, and gave to the King a brave, devoted, and invincible army? The just land laws that gave perpetuity of tenure to the peasant-farmers at fixed rents. What put down the conspiracies of the revolutionists of Russia? The fixing every peasant-farmer securely in his own land. When the nobles saw that reform and civil freedom for the Russian peasants was inevitable, they adopted, as the watchword of their policy, "Freedom without the land," the Emperor, who took his information direct from the people, adopted, as the expression of his policy, "Freedom with the land," and carried his principles into effect, giving to the people civil rights, and securing to them the land they occupied, in perpetual tenure, by purchase or at fixed rents, and thus laid the basis of the future progress and greatness of his Empire. What have the English Government done for the ryots of India? They have given fixity of tenure and adjustable rents varying with prices, as he (Sir John Gray) proposed to allow the just landlords to do by his clause; and he would warn the Government and the House that, if they wished to defeat the growing revolution in Ireland, to put an end for ever to agitation on the land question, they must adapt themselves and their legislation to the instincts of the people, as the only means of conquering those prejudices which the past misgovernment of Ireland had produced, They must recognize the existence, by the laws of nature and of eternal justice, of an inherent right in the people to strike root and grow in the land where God had placed them, and by a just law declare that no hand save that of God alone, can of right remove them from that land against their will and without their free assent. The hon. Gentleman, having stated that he would not deal with the clause respecting limited owners until the fate of the clause applicable to absolute owners was decided, concluded by moving that the following clause be read a first time—

(Permissive Parliamentary tenant-right.)

The absolute owner of any land not subject to the usages named in Clauses 1 and 2, or either of them, may, by registering such land or any part of it under this Clause, as hereinafter provided, and in the prescribed form, free such land, himself, and his successors in title, from all claims whatsoever on the part of the tenant of such land under the provisions of this Act or any of them, and such registration shall place such land under the provisions of "the permissive Parliamentary tenant-right" herein provided for; and after such voluntary registration by the owner, every tenancy of such land shall be regulated by the following rules:—

1. The rent, as agreed upon by the landlord and tenant at the time of such registration, or in the absence of any special agreement in contemplation of such registration the rent then payable, shall continue to be the rent payable by the tenant of the holding until it be altered by mutual agreement, or as hereinafter provided for;

2. After the expiration of fourteen years from the date of such registration, or from the date of the last time subsequent to such registration, at which the rent was adjusted by mutual consent, if the landlord and the tenant cannot agree as to the continuance of such rent, or as to what alteration ought to be made therein, either party may apply to the Court to arbitrate between himself and the other party; and the Court shall, on hearing all the circumstances of the case, determine, as such arbitrator, what rent shall be paid for the next ensuing fourteen years, or until the landlord and tenant may mutually agree upon some other rent in lieu thereof; and in determining such rent the Court shall have regard to the altered value of land and to the value of agricultural products in the locality; and to such other circumstances as the equities of the case may require to be considered; but no increase of the rent shall be made because of any improvements in or on the holding for which the tenant would be entitled to compensation if claiming under the general provisions of this Act, unless such improvements have been made in whole or in part by the landlord or his predecessor in title, or by the tenant or his predecessor in title, in pursuance of some valuable consideration given by the landlord or his predecessor, directly or indirectly, or of a specific agreement; and in case of a failure at any subsequent time of the landlord and tenant to agree to continue the then rent or to adjust by mutual agreement the rent to be thenceforth payable, either party may apply, after the expiration of every period of fourteen years, but not oftener, to the Court to act as arbitrator between himself and the other party;

3. The tenant shall be deemed to have and shall have a chattel interest in the holding, and he, or his administrators, executors, or other legal representatives, shall have power to sell or otherwise dispose of the interest in such holding as one whole and not otherwise to any individual against whom the landlord shall not establish a reasonable ground of objection to the satisfaction of the tenant or before the Court, but he shall not sub-let or sub-divide such holding without the consent in writing of the landlord or his agent, or the sanction of the Court; and the Court shall not give such sanction until both parties shall have been heard or shall have had an opportunity of being heard before it on the subject. In every case of sale by the tenant or his representative, the landlord shall have a right of pre-emption of the holding at the price bonâ fide offered by any person tendered to him for acceptance by the tenant in occupation or his legal representative as an incoming tenant by purchase;

4. The tenant shall have no claim whatever against the landlord if he voluntarily surrender his holding;

5. The landlord cannot disturb the tenant in such holding save for:—Non-payment of rent; subletting or sub-dividing without the consent of the landlord or the sanction of the Court; or, such wilful or permissive waste, dilapidation, or injury to the buildings on, or to the corpus of the holding as may be declared by the Court on application for authority to serve an ejectment process, to be such as to render the termination of the tenancy requisite for the protection of the landlord. In all cases in which a decree for giving possession of the holding to the landlord shall be granted by the Court, the tenant about to be evicted may claim and exercise the power to sell his interest in the holding, and the Court shall

order that he be left in occupation a reasonable time to do so, and shall give to the landlord a formal lien in priority of all other debts, claims, and judgments or other demands whatever on the sum paid or to be paid for such interest for all rent, arrears of rent and taxes due on the holding, and for any damages awarded by the Court for waste or dilapidation. The Court shall, when granting a decree for giving possession to the landlord, ascertain and determine what sum is due to the landlord for rent, arrears or rent and taxes payable but not paid by the tenant, and for damages caused by waste or dilapidation, or both; and the tenant shall, on payment or on tender of the said sum or sums within six calendar months after the execution of the habere be entitled to and be restored to the possession of the holding, unless he may have claimed and exercised his right to sell his interest in the holding;

6. The absolute owner, subject to such rules as the Court may prescribe for the protection of the interests of mortgagees and other incumbrancers, may agree to accept, and the tenant may agree to give, a fine in lieu of the periodical adjustment of rent above provided for, and thenceforth the tenancy of such holding shall be in accordance with the above rules in all respects save that the rent shall be fixed and not variable;

7. Any successor in title of the landlord may by agreement with the tenant, purchase the tenant's interest in the holding, and after having satisfied all the claims of the tenant, may proceed in the prescribed form to relieve the holding from being subject to this Clause, and thenceforth the holding shall be subject to the general provisions of this Act, other than those of Clauses 1 and 2.

Registration—The absolute owner may apply to the Court for authority to register his lands under this Clause, and the Court, on being satisfied that due notice in the prescribed form has been given to each tenant, and that each tenant of a holding on the land has assented to such registration, shall, on being satisfied that the interests of mortgagees or incumbrancers are not injuriously affected thereby, forthwith order such lands to be registered in the Registry of Deeds Office in Dublin, in the prescribed form. Should the tenant not notify his dissent before the expiration of one calendar month from the service of such notice, he shall be deemed to have assented, and the Court shall order the lands to be registered at the expiration of that period. If the tenant notify his dissent, the Court shall proceed to hear the cause assigned for such dissent; and if on such hearing it determine that the dissent is unreasonable, it shall order the land comprising the holding to be registered, but if it should determine that the tenant has reasonable cause for such dissent, the holding of the tenant so dissenting shall not be registered under this Clause, and shall be exempted from such registration.

Clause (Permissive Parliamentary tenant-right,)—(*Sir John Gray,*)—*brought up*, and read the first time.

MR. CHICHESTER FORTESCUE said, he thought the speech as well as the Motion of his hon. Friend (Sir John Gray) showed that the Government had been quite right in adjourning the consideration of this important proposal to the present occasion. The proposal was evidently one that was totally unfitted to be a mere appendage to a clause of the Bill, being, in fact—though his hon. Friend might not admit it—a substitute for the Bill itself. The desire of the Government had been that, as regarded this proposal and another not very different in principle, which was also upon the Notice Paper, the Government and the Committee should have the fullest opportunity of giving to these propositions that full and respectful consideration which their importance demanded. These clauses were, in name, put forward as optional, and the proposal of his hon. Friend was called a permissive tenant-right; but he felt bound to point out that it was by no means tenant-right, in the sense in which that term was commonly employed. Tenant-right, though differing in degree in various parts of the kingdom, meant a right on the part of the tenant to make certain claims upon a change of tenancy, whether that change was brought about by the act of the landlord or of the tenant himself. To the extent of recognizing and acting upon this principle of tenant-right, the Government had succeeded in carrying the House of Commons with them; but now his hon. Friend, under the name of a permissive tenant-right, proposed to create that which was, in fact, a perpetuity of tenure, subject to the payment of rent to be fixed compulsorily from time to time by a public valuator. His hon. Friend excepted from the operation of the clause the whole tenant-right region of Ireland, and also any portion of the country in which hereafter the Court might find that a tenant-right custom existed. But of that exception the whole tenantry of Ulster, he thought, would have reason to complain, for they would be excluded from the enjoyment of this perpetuity of tenure. The Ulster tenant-right was something very different from that now proposed, for the land there was not to be held at a rent fixed from time to time by compulsory valuation, but subject to certain well-ascertained conditions, upon charge of tenancy, which had been found sufficient for the protection both of landlord and tenant. The proposal of his hon. Friend would certainly be viewed by the Irish tenants as equivalent to perpetuity of tenure, subject to periodical revaluation. He proposed, it was true, to attach to it three conditions, under either of which the tenure was to be forfeited—namely, non-payment of rent, subdivision of holding, and serious waste of the farm. But, for his own part, he must declare that he was no believer in the possibility of enforcing these conditions. When once the perpetuity of tenure was acceded which his hon. Friend proposed, it would, in practice, be absolutely impossible to enforce any restriction, and still less any forfeiture, for any cause short of non-payment of rent. His hon. Friend believed that the thing was possible; but he certainly could not agree with him. To suppose that, under such circumstances, the landlord would retain in his hands any practical power of preventing subdivision of the lands was, according to his knowledge and experience of Ireland, an absolute delusion. The hon. Member very laudably had attempted to provide for the case of the limited owner; but he must say that the provisions proposed were far from being satisfactory to his mind. The hon. Member proposed, in the case of the limited owner, to enable him to bring this form of tenancy into existence at first starting, on the same terms as those in the case of the absolute owner; but he did not refrain from exercising very considerable compulsion upon the successor to renew the so-called "permissive tenant-right," because he proposed to enact that if the successor should at any time have recourse to the Court for any readjustment of rent, or accept of any increase of rent from the tenant—by that fact alone he should be deemed to have at once renewed the tenure created by his predecessor. If the successor was in his turn only a limited owner, he would be able to impose the same conditions upon his successor, and the whole process would have to be gone over again; and, therefore, he (Mr. Fortescue) should, if he was a tenant, feel it impossible to say what was the condition of his tenure. He could not conceive anything less satisfactory to the tenants than the position in which they must find themselves placed under those landlords who were limited owners, they being by far the largest proportion of the landlords of Ireland. Irish tenants really knew very little about the title of their landlords, and a tenant living under a limited owner would certainly expect to obtain the same conditions as his neighbour, who held under an absolute owner; and as any difference between them would inevitably lead to disappointment, the question of tenure from a limited owner was one very well deserving the serious consideration of the Committee. His hon. Friend had taken considerable pains to show that his proposal was not opposed to any of the clauses in the Bill; but he (Mr. Fortescue) was not convinced that there was anything in the Bill which was at all like his hon. Friend's proposal. The Government had steadily resisted the idea of rent being fixed arbitrarily by a public authority, and, in introducing this Bill, the First Minister of the Crown had exhaustively spoken on that subject; while the cases quoted by his hon. Friend were not cases in which the rent was so to be fixed, but only where the Court would, in determining another matter, find it impossible to exclude the subject of rent from its consideration, which was a different thing. Rents, he believed, would, under the operation of the Bill, be left to fair competition, subject to the conditions specified in the Bill. As to absolute owners, there was no such difficulty as there was with limited owners; in fact, there was no occasion for Parliament to legislate on the subject, because, practically, an absolute owner could in the future make any arrangement he pleased. After all the main question was, whether Parliament was to single out the proposed mode of tenancy for its especial sanction and favour, without venturing to make it compulsory. That was one of the gravest questions which Parliament could have to consider, and the Government, after having given it the most careful consideration, had come to the conclusion that it would not be safe or wise for them to recommend the Committee to make that addition to the Bill. His hon. Friend had proposed to give to the Irish landlords an option, on the ground that they would be anxious to escape from the obligations of the Bill, thereby implying that the Bill was so stringent, for the protection of the tenant against any unfair and improper exercise of the landlord's power, that landlords would be so anxious to escape from the restrictions and penalties of the Bill that they would even confer perpetuity on their tenants. How would that option be regarded by other persons? The Irish tenant would, he believed, regard that as a virtual enactment of perpetuity which Parliament had sanctioned, but which would, in many cases, depend upon the will and pleasure of the landlord. In other but similar proposals, which had been made to the House in recent years, the option had been given to the tenant and not to the landlord. Mr. Butt proposed to establish a system of fixity of tenure for 60 years. In the same way the hon. Member for Plymouth (Mr. Morrison) gave the option to the tenant, and not to the landlord. He thought he knew what would be the Irish tenant's opinion of the alternative plan proposed by the hon. Member for Kilkenny. He would believe, or, at all events, he would be told by a hundred pens and a hundred voices, that this was a system of perpetuity of tenure sanctioned by Parliament, between the enjoyment of which and himself nothing interfered but the will of a selfish and tyrannical landlord. He believed that the adoption of this clause would prevent the settlement of the land question in Ireland, and not only cause pressure on individual landlords to adopt this so-called optional scheme, but would inevitably produce an agitation which would be brought to bear on the whole class of landlords who would be, not untruly, represented as the only obstacles to fixity of tenure. The proposal had received the gravest consideration on the part of the Government, and they regretted to be compelled to differ in opinion from many Irish Members and other Gentlemen, some of whom had given great attention to the subject; but having carried this measure satisfactorily so far, they felt it to be their duty not to run the risk which they believed would result from the creation of an alternative plan of this nature, and not to imperil the settlement of this question by the adoption of a scheme which they believed would not tend to promote peaceful and harmonious relations between landlord and tenant in Ireland, but would be attended by the very contrary effects in that country.

Mr. C. S. READ observed, that some unfriendly critics had said that the Government Bill was a measure for enabling the tenants of Ireland to indulge in the luxury of going to law with their landlords; but no more damaging criticisms had been passed on the Bill than that which had proceeded from the hon. Member for Kilkenny, when he showed how the pains and penalties of litigation would be inflicted on the landlords. As it stood, the Bill afforded two escapes for the landlord—the granting of a 31 years' lease, or the agreement with the tenant to purchase under the clauses which were supposed to have emanated from the right hon. Gentleman the President of the Board of Trade. If the proposal of the hon. Member for Kilkenny were adopted, it would practically extinguish both those alternatives, for who would take a 31 years' lease if he could get a lease for ever? Or who, if he could obtain all the privileges which attached to a copyholder in England, would avail himself of the purchasing clauses of the Bill? Another result of the hon. Gentleman's proposal would be to alienate the landlord from the land, and thereby stop all landlord's improvements, and he would merely become a rent-charger, and an absentee in a country where his example was wanted more than in any other country. The heir would be placed in a still more unfavourable position, from not being able to get possession of his land until 31 years after he became the nominal landlord. He supported the Bill originally because of the encouragement it gave to leases, and because it did not endeavour to extend the Ulster right. The Bill, as it now stood, would perpetuate that right, and the clauses proposed would extend it to the whole of Ireland; and their effect would be to make every new tenant pay something for nothing, by the creation of a goodwill in every farm throughout Ireland; whereas, by the clauses of the right hon. Gentleman the Member for Birmingham, the tenant was put in any easy way of purchasing land at a fair price, and was given, moreover, really valuable security for his money. Why should an Irish tenant be always treated as a spoilt child? Why should we violate every law of political economy, overlook the first principles of agriculture, and even try to upset the order of nature by converting what, by soil and climate, was naturally adapted for grass into a lot of potatoe fields, in order to have on them a half-starved peasant population? Believing that the clause of the hon. Gentleman would be eventually injurious to the tenant, and would do more than anything else to retard the progress of agriculture in Ireland, and being convinced that, if passed, the other clauses of the Bill would be entirely defeated, he hoped the Committee would not add it to the Bill.

MR. W. H. GREGORY said, he had given the best proof of his desire to advance the progress of the Bill, by not having on any one occasion spoken for more than five minutes at a time since the Bill had gone into Committee. Now, however, that an Amendment of such vital importance had been moved—an Amendment which was nothing less than an alternative Landlord and Tenant Bill —he would ask the House for a little longer indulgence. This was, moreover, a subject on which he had some claim to be heard, as he had suggested it almost *totidem verbis* in his speech on the second reading of the Bill. He had no fault to find with the hon. Member for Kilkenny (Sir John Gray) for having adopted it and put it into legal form; on the contrary, he had every reason to be satisfied with his courtesy and fairness, for he had pressed him (Mr. Gregory) to bring it on in the first instance. He had declined to do so, preferring that it should be in the hands of the hon. Member for Kilkenny, feeling sure it would attract greater notice and be received with greater favour by the tenant class than if it had come from a landed proprietor. The first objection raised by the Chief Secretary for Ireland, in his reply to the hon. Member for Kilkenny, was to the name of his scheme, "Permissive Tenant-right," because it was not identical with the Ulster custom. But the hon. Member for Kilkenny had not stated that it was the same as the Ulster custom. It was something broader, clearer, and more defined, and the word permissive tenant-right was a generic term implying what was intended, that the tenant should, under the clause, enjoy certain rights. Now he (Mr. W. H. Gregory) had said that this proposal was an alternative Bill. This seemed to create some scandal on the Ministerial Benches. But what was the object of the Bill, or of any Bill, or of any clauses, except to improve the condition of Ireland, to sweeten the relations of landlord and tenant, and to increase the general resources of the country? If the clause could effect that, if it could aid the Bill in effecting that, the Government was bound to look on it as a valuable contribution, and not as an act of hostility to their Bill, which the Mover of it never intended it should be. In order to show the feeling with which this proposal was likely to be received in Ireland, he might mention that when the delegates of the different tenant associations came to London to make representations to the Prime Minister, he attended their meeting and submitted these identical proposals to them. They all said, without a single exception, that if the Bill were framed according to them it would be accepted with gratitude, and they would never again hear another word of the land question. Of course, according to those views, the provisions were to be compulsory. The Government, however, at once rejected these proposals. They were met by the Chief Secretary for Ireland with three weighty objections — the first, that you could not create a custom, though you might recognize it when it existed; the second, that it would be an injustice to give the tenant a property in the estate of his landlord, without his having gained it in any way, either by the wish of the landlord or by having compensated him; thirdly, that the provision might be most unfair to the good landlord, who had kept his rents low and who would naturally be debarred from raising them, if he chose so to do, to the ordinary letting scale of the locality. These were, no doubt, grave objections, and it was obvious to everyone that to make these provisions compulsory would not have been agreed to, except by an infinitesimal minority in the House of Commons, and would not have had, in all probability, a Proposer or Seconder in the House of Lords. Still the principle had found so much favour in Ireland not merely among tenants, but among landlords that it had influenced 39 Irish representatives to sign it. These men, representing 23 counties, were not likely to embark in any wild or visionary scheme calculated to cut their own throats, or to be against the interest of the tenant classes they represented. They recognized the force of the Chief Secretary's objection; but they also felt that the moment the adoption of the proposal became permissive the objections fell one by one to the ground. As to the first, no doubt, they could not create a custom; but here it was the landlord who of his own free consent created it. Second, they did not give the tenant a property in the estate of his landlord without his leave and without compensation. It was by the landlord's leave they did so, and the compensation he obtained were secure rents, perfect peace about his home, and a relief from all the litigation involved in the Bill. Third, that extension would not be an injustice to the good landlord who had kept his rents low, for he would of course make an amicable arrangement with his tenants on the subject of rents before placing his estate under permissive Parliamentary tenant-right. But then they would be answered that it was a serious matter for private Members to bring forward an alternative plan, as it were, to that of the long-considered and widely-extending Bill of the Government. To that he would reply that, in a case like this, it would be impossible to deal with it save by an alternative plan. No landlord would, of course, adopt willingly any plan to curtail his extreme power unless under some sort of compulsion. The only question was this. Was the plan a good one? If the Amendment would have the additional recommendation of being the means of producing voluntarily the objects that are aimed at throughout the Bill, it ought to be adopted. He thought he might take for granted that one of the main objects of the framers of the Bill was the extension of the Ulster custom, or of customs analogous to it throughout Ireland. He could not suppose for a moment that the Government would refuse this Amendment from any feeling of pique, lest by this alternative being largely adopted, their own enactment should become inoperative. The next objection taken by the Chief Secretary was the fact that the Amendment sanctioned the fixing of rent. But if they considered the numerous cases quoted by the Member for Kilkenny, in which, as the Bill now stood, rent was interfered with, it was impossible to consider this to be an objection. The distinction drawn by the Chief Secretary between fixing of rents and interference with rents was untenable. Directly they touched rent at all they more or less regulated the price of land. There was an old and foolish riddle—"What was that which went round the house, and over the house, and through the house and never touched the house?" The answer was—"Wind." A very stupid answer, because it did touch the house—and here they were asked a similar riddle—what was it that went round the Bill, and over the Bill, and through the Bill, but must never touch the Bill?—interference with rent; but interference with rent, like the wind, touched it everywhere. From that the Chief Secretary, though he tried to evade it, could not escape. If the Bill was to be in any way satisfactory it must touch rent every now and then. The rarer the instances and the less wide the interference of course the better. Now, in this case, the interference would apparently be slight; in fact, there would hardly be any interference at all. At first there would be absolutely none. At the end of 14 years there might be a revision of rent; but it would be based on circumstances easily ascertained—it would be based on the price of agricultural produce, about which there could be no dispute, or on the increased value of land from exceptional circumstances, about which there might be a dispute, but which the Court could readily settle, if, indeed, the case ever came before the Court at all. It was said that it was impossible to base rents on agricultural prices. The simple answer to that was one which would be accepted by his right hon. and learned Friend the Member for Dublin University (Dr. Ball), who was well aware that College leases were based on this very principle. Then the Chief Secretary waxed warm against the injustice meditated towards incumbrancers and remaindermen. As regarded the first, he (Mr. Gregory) presumed when a man lent money on mortgage he inquired into the rental and the valuation of the property of the mortgagor. Now, as the rental was not to be altered from that on which the money was lent, it certainly did seem strange that the certainty of being paid rent—the certainty of recovering arrears should be considered as invalidating the security of the mortgage. As far as mortgagees were concerned, he thought they would have but small objection to an additional security, and as far as remaindermen were concerned, if the clause were considered carefully they were amply provided for; and it certainly did seem like straining at a gnat and swallowing a camel, for the Minister, who had allowed a limited owner to sell his estate, to object to the provision allowing the same owner to have fixed periods for revision of rent. Now, he (Mr. W. H. Gregory) would turn his remarks to the Conservative Benches. He would ask hon. Members opposite whether it would not be wise for Irish landlords to accept this proposal? There was no force on them to use it. He had always said *vigilantibus non dormientibus leges subvenire;* that in dealing with Ireland the old maxim should be reversed, and instead of its being *vigilantibus* it should be *dormientibus non vigilantibus leges subvenire.* Anything was better than that the landlord and tenant should be ever on the watch against each other. The hon. Member for East Norfolk (Mr. C. S. Read) had said this clause would deprive the landlord of all interest in his land, and produce absenteeism. But what was it produced absenteeism? In too many instances, bad relations between landlord and tenant; and certainly much as absenteeism was to be deplored, it was not to be wondered at that it prevailed among those whose lot was cast in the blood-stained regions of Meath and Westmeath. But this clause would render differences between landlord and tenant almost impossible, while it would enable every kindly relation to continue. Then, again, contrast the plainness and simplicity of this provision as regarded the tenant himself, with the difficulties he would have to encounter under the Bill. He knew if he was a tenant on any property on which this principle should be adopted that he was perfectly secure, except for certain causes. He knew if he fell into arrear he was sure to be able to sell his goodwill. He knew that every improvement he made increased the value of that goodwill. On the other hand, let them look at the uncertainty in which the tenant was placed under the Bill if about to be evicted. He went by the last decision of the Court, and made his calculation—the next decision, perhaps, upset that calculation. He could never tell what weapon the landlord might produce from the armoury of exceptions which the Bill furnished him with. So much for the tenant. Let them look at the advantages it brought with it to the landlord. He was sure to get the natural rise in rents, if such rise took place. But then it was said what was to take place if agricultural prices fell? What would take place was, what always did take place—if prices fell for a long period—if the depression be continued, rents would suffer in consequence. It need hardly be said that the tenant was always able to give up his farm in case of a fall in the value of land for a considerable period, therefore it was impossible to guarantee the landlord against a fall. He was not prepared to go into the debateable region as to the probabilities of the rise and fall of prices of agricultural produce. He himself—and he ventured to say 19 out of 20 of those who had studied the subject—would be of opinion that there was greater probability of a rise than of a fall. It was something, then, to guarantee the landlord for a rise, in case circumstances justified such rise, for he was convinced that as the present Bill stood, few landlords would be able, under any circumstances, to raise their rents. Then, again, this plan would bring with it perfect harmony in the relations of landlord and tenant—none of the litigation apprehended on all sides could take place, for no question could arise on the subject either of improvements or disturbance. He said on account of improvements, because he would be quite ready, now that the tenant was protected, to enact that all improvements should be registered on completion. The great argument, after all—in fact, the whole argument—was that this clause, though permissive, would be, in reality, an instrument of compulsion. His right hon. Friend the Chief Secretary said that if one landlord adopted it, there would be a hundred pens and a hundred tongues to insist on his neighbour doing the same, however unwilling he might be. But there was no more fear of that than in case a landlord let his land extremely low—unduly low—other landlords would have to do the same. The real compulsion would be the sight of a neighbour riding peacefully in the calm haven of permissive tenant-right, while those around him were being tossed to and fro among the breakers of Assistant Barristers and Quarter Sessions Courts. For these reasons he would vote with the Member for Kilkenny, and he claimed the vote of the right hon. and learned Member for Dublin University (Dr. Ball), who said the other night, in opposing the plan of the Member for Clonmel (Mr. Bagwell) for leases renewable for ever, that those who liked them should have a clause of their own. Now he (Mr. W. H. Gregory) and many other landlords would be quite willing to have this clause for themselves; and he himself could only say that he would readily go back to Ireland and place his property under this settlement and under such a clause. He regretted that the Chief Secretary had met the proposal with such a stern and peremptory negative. He could only again repeat that the Amendment was not for the subversion of the Bill, for which every one of its supporters gave the Government the fullest credit; but as a supplement and addition, to confer additional strength and efficiency to the Bill, the main object of which was to produce harmony between the owner and occupier of land in Ireland.

Mr. SAUNDERSON said, he did not deny that the proposal of the hon. Member for Kilkenny (Sir John Gray) was a popular one in Ireland; and if he sought popularity in his native country he might be disposed to support that proposal; but, as he believed it was fraught with great danger to all classes in Ireland, he would give to it both now and hereafter his most uncompromising opposition. He was at a loss at one time to know who had invented what he thought was a most ingenious appellation—namely, that of "Permissive Parliamentary tenant-right." The speech of the hon. Member for Galway (Mr. W. H. Gregory) placed it beyond a doubt that he was the author of that appellation, for the hon. Gentleman told them that it was a generic term that sufficiently explained itself. He was asked some time ago to sign the Memorial, as it was called, containing an appeal in favour of the main principle of the clause which the Committee was now discussing. His hon. Friend the Member for Kilkenny asked him whether he would be willing to sign it; but, without any personal disrespect to the hon. Member, he must say that the fact of his being the author of the document induced him to look on it with considerable suspicion. He refused to sign it, and every day that had passed since had increased his satisfaction at having resisted the eloquent and somewhat convincing request of his hon. Friend. There were 39 names to the Memorial, but it was easy to obtain names. When a man of undoubted ability, unflinching perseverance, and considerable cunning undertook to persuade his friends that a proposition which he was about to bring forward would be very beneficial, some people did not even take the trouble of reading what they signed. But some hon. Members who had signed the Memorial had told him they regretted having done so. ["Name!"] He would not name them, because they had been punished enough by having signed it. But hon. Members had told him that since they had seen it in black and white—which, he presumed, meant since they had come to understand it—they were sorry for having signed it. He was extremely glad he had not done so. With the permission of the Committee he would refer to a speech he had heard made in that House, and from which this was an extract—

> "What the Irish people asked from the Minister and from the House, and what they would continue to ask until they got it, was, that the notices to quit, described in the eloquent words of the Premier as things showered out upon the people and falling over the face of the land like snow-flakes, should be put an end to, and that eviction, except for legitimate causes, as non-payment of rent, subletting, or wasting of the land should altogether cease."—[3 *Hansard*, cxcix. 1682.]

[Sir John Gray: Hear, hear!] That was a passage from a speech of the hon. Member for Kilkenny, on the second reading of the Bill—the best speech he had ever heard him deliver. He asked himself whether there was anything in the proposals now before the Committee which came up to those prophecies forshadowed by the hon. Member. Under the woolly skin he spied the wolf. There, in all its naked deformity, were fixity of tenure and valuation of rents. He was opposed to fixity of tenure, because he thought it a most unwarrantable interference with the natural laws which regulated the possession of property. He believed it was an attempt to interfere with the laws of social gravitation—with those laws which tended to raise the wise, prudent, thoughtful, and fortunate to the surface of society, and tended to lower the unwise, the imprudent, the thoughtless, and, alas, the unfortunate to its lowest depths. He should like to ask some hon. Gentleman who was in favour of fixity of tenure whether it would be a good thing to stereotype for all time the present condition of many of the farmers in Ireland. Would such a measure be likely to promote the happiness of that country? Nearly one-third of all the holdings in Ireland were under

15 acres. Would it be well for Ireland that such a state of things should remain for all time? If the hon. Member for the city of Cork (Mr. Maguire) were in his place he should ask him whether a farm of 15 acres was a desirable holding. If the House acceded to this proposition of the Member for Kilkenny, was there any hope in our time of seeing any alteration in the condition of Ireland? Men of determination and energy, of whom, he was happy to say, there were not a few in Ireland, would be told that the size of their farms must never be increased. So far from believing that the proposal of the hon. Member for Kilkenny, if adopted, would convert Ireland into a happy country, he felt sure that it would lead to more discontent and misery than at present existed. The hon. Member for Kilkenny said that the Irish people would continue to demand fixity of tenure; and they all knew his determination and tenacity of purpose. He objected to putting in the hon. Gentleman's hand an instrument with which he might keep the cauldron of agitation at seething point, and prevent that peace and quiet which all ought to desire to see prevail in Ireland. He would not go into the details of the measure of his hon. Friend, for a measure he called it, advisedly. He confined himself to its principles. Now, as to the Bill itself, as an Irish landlord, he believed that if it reached Ireland without any material alteration from its present form it would be a great success. He had supported it mainly for the reason which, he believed, had induced Her Majesty's Government to bring it forward. There was an argument against which no one who was wise in his generation could shut his ears; it was a voice which no monarch could pass by with inattention, and to which it would be very foolish for any statesman to turn a deaf ear. That voice was the clearly expressed wish of a united people. That which so seldom occurred in Ireland had occurred in reference to this Bill. All classes had united in demanding legislation on the land question, and this Bill was the echo of their voice. He had no fear whatever of the vast amount of litigation which was apprehended by some. He supported this Bill because he believed it would satisfy the reasonable portion of the Irish people. He supported this Bill for another reason—namely, because he felt convinced that this measure would satisfy the people of England. As long as the ears of England were kept open to the appeals of agitators in Ireland by the belief that justice had not been done, so long would agitation continue in that country. But when the ears of England were stopped to those appeals, by the knowledge that she had done everything that a nation could do to satisfy the claims of justice, he did not believe that Irish agitators would be able to extract from her the injustice that some demanded, and, the trade of the Irish agitator being gone, he would either subside into some other profession, or he would take his wares elsewhere. He had supported this measure in its passage through the House of Commons to the best of his ability, and he intended to support it not only within those walls, but also in his native country. There were others besides himself who intended to show the people of Ireland that this Bill was an honest attempt on the part of the Parliament of Great Britain to build up the future prosperity of Ireland, and if his brother landlords in Ireland would join in those endeavours they would secure the future peace and happiness of that country, which, with all their faults, Irishmen so dearly loved.

MR. SYNAN, as one of those who had signed the declaration alluded to, desired to make some observations on the Motion before them. The hon. Member who had just sat down (Mr. Saunderson) had founded his argument on two assumptions — first, that those who supported the Motion were opposed to the Bill; and, secondly, that they regretted having signed the document in favour of the proposal before the Committee. He (Mr. Synan) gave the most unqualified denial to both statements. He challenged any hon. Member to deny that he had been unceasing in his support of the Bill, and in his endeavours to amend it so as to make it effective to the purpose in view; nor did he regret having signed the paper in favour of this scheme, for he was there to redeem his pledge by supporting it. He could well understand that the Government were in an embarrassing position. They were in this dilemma—that if they rejected this proposal, they would do an unpopular act; and, if they adopted it, they might expose their Bill to shipwreck in "another place." There were two objections taken to the clause which he desired to notice. The first was, that of the hon. Member for Kilkenny himself, who said, in answer to the Chief Secretary, that mortgagees and incumbrancers were not mentioned in the Amendment at all. But this was a mistake — they were expressly mentioned; but so as not to be injuriously affected, and with a view to the protection of their interests. The other mistake was that of the hon. Member for Galway, who said that the present rents were to remain unaffected for 14 years. No doubt that was so in the declaration; but it had been altered, and the change in rents might be made to-morrow. To that he (Mr. Synan) had no objection, for he regarded it as a step in the right direction. It was said that the proposed Amendment was, first, against the principle of the Bill, and was a direct enactment of fixity of tenure and compulsory valuation of rents; secondly, it was a violation of the rights of limited owners and mortgagees; and, thirdly, that it was a new Bill in itself, and, therefore, substantially a substitution for the Bill of the Government. He considered all these objections to be founded upon a misapprehension of the clauses proposed and of the Bill itself. The Amendment simply proposed to enable a landlord and tenant to contract themselves out of the Bill by entering into an agreement for 31 years' leases, renewable, subject to the settlement of the rents every 14 years, to conditions for the proper cultivation of the land, and against subletting, and subdivision, and eviction only for non-payment of rent. What did the Bill do? It legalized the tenant-right of Ulster, and tenant-right out of Ulster; it gave power to the Court to inquire, so that the tenant might not have his tenant-right destroyed by an arbitrary demand of an exorbitant rack-rent; it gave compensation for disturbance, or for eviction if a rack-rent were refused. Whatever objection was urged to the Amendment was therefore equally applicable to the Bill; and therefore the argument of the clauses being opposed to the principle of the Bill, because they enacted compulsory valuation of rents, had no force. As to the objection that the Amendment enacted fixity of tenure, the answer was, it followed the Bill in that particular; and in his (Mr. Synan's) opinion, the Bill was valuable only so far as it did produce that result indirectly. The legalizing the Ulster custom and other customs, and the Compensation Clause, were indirect ways of enacting fixity of tenure. As to the objection as to limited owners and mortgagees—the Amendment gave the power to the Courts to see that the rights of remaindermen were not injured by the acts of limited owners; and as to mortgagees—the Amendment expressly provided that the Court should look after their rights and interests, and take special means to protect them. He came now to the third class of objections—that this was a new Bill. He frankly admitted that, if this clause were acted upon universally, it would have that effect. It was, in his opinion, the only objection Her Majesty's Government could urge against it. It was hard to ask them — after months of conflict in that House — after they had brought almost to completion a great and broad and liberal scheme for the protection of the Irish tenants—to accept an Amendment which, if acted on universally, would render the rest of the Bill waste paper and rubbish; but their object was to settle the question; and he was certain, that if Her Majesty's Government thought this Amendment would have that effect, they would not reject it on the ground that it had made the labour of months nugatory, or deprived Her Majesty's Government of the crown of victory. But the answer to the objection was simply that the Amendment was permissive—that it was rendered necessary by the 3rd and 4th clauses, which rendered voluntary contracts void as against them, and that it could only operate gradually, and by the operation of free contract. It was however said a new agitation would spring up, and that under the leadership of his hon. Friend (Sir John Gray), to make this permissive law a compulsory law. He could not deny that his hon. Friend had at his command a powerful organ of public opinion; but he denied the power even of his hon. Friend to create an agitation unless there was a grievance, and unless public opinion was agreed that there was a grievance to be remedied. There were two proposals before them—that of the hon. Member for Kilkenny, and that called Judge Longfield's. He gave the preference to the former. He had given his support to the Bill throughout; he had moved and carried many Amendments; and he now, as a true friend to the measure, asked that the Amendment of his hon. Friend should be incorporated with the Bill, as tending, in his opinion, to make the measure more complete, and the foundation of the agricultural prosperity of Ireland more secure.

MR. G. B. GREGORY said, he believed the clause would revive that vampire with which they had been struggling during the last 100 years — the middleman. It was true the clause contained provisions against subletting; but it would not prevent a man taking a partner, or letting to his labourers. The great objection to the clause, however, was that it would be placing the country under two concurrent schemes, instead of leaving it under one, as the Bill at present did.

MR. O'REILLY said, he rejoiced to hear that Irish landlords on the other (the Opposition) side of the House had ceased to fear that the Bill would cause litigation. He was at one time in favour of enabling landlords to enter into voluntary agreements; but his views had since undergone a change. It would be truly wrong and absurd to give to the Assistant Barristers' Court a power to decide to what extent subletting was desirable or prudent in Ireland; that was a question which those interested in property must decide for themselves. But that which weighed most with him in regard to the proposition of his hon. Friend the Member for Kilkenny (Sir John Gray) was the fear lest it should increase the difficulties of the Government, to whom much credit was due for having brought forward so large a measure as the Bill undoubtedly was. If the landlords of Ireland should find themselves involved in troublesome litigation, there would be nothing to prevent them from applying to Parliament in a year or two hence for permission to enter into arrangements with their tenants, in order to escape from the operation of the clauses of the Bill. He could not, however, shut his eyes to the difficulty of embodying two competing schemes, though the present proposal was only permissive, in the same Bill.

VISCOUNT ST. LAWRENCE said, he did not endorse all the details of the proposal before the Committee, though many of the most intelligent and moderate Irish Liberals had done so; but he thought by giving landlords and tenants permission to make voluntary contracts it afforded a means of escape from one of the strongest objections which had been urged to the Bill — namely, the prospect of endless litigation. He denied that the Members who had affixed their names to the memorial had done so in any expectation that it would give an excuse for agitation, and he hoped the hon. Member for Kilkenny (Sir John Gray) would set their minds at rest by an express assurance upon that subject.

DR. BALL said, he could not allow the Question to be put without expressing his opposition to what he believed to be, even from the point of view of the hon. Member (Sir John Gray), a very undesirable and ill-judged proposal, and only less objectionable than one for absolute perpetuity of tenure. In the Bill, notwithstanding the many improvements which had been made in it, there were several very questionable principles already, and the addition of the clause now proposed would tend very seriously, he believed, to prevent its passing into law. He must say he thought the proposition was nothing less than an incipient fixity of tenure. It had been said that the operation of the clause would be merely permissive. If so, what was to prevent a fee-simple owner, without this clause at all, establishing similar relations between himself and his tenants? He could not, of course, call in the Court as the mode of adjusting a periodical variation of rent; but an arbitrator would furnish just as satisfactory a tribunal in such an event as the Court itself. The hon. Member for Galway (Mr. W. H. Gregory) had referred to the leases under the University of Dublin. Those were leases the rent in which was to be adjusted every 10 years, on the application of either the landlord or the tenant, and in many of those references he himself had acted as arbitrator. The machinery, therefore, was not a judicial tribunal, but an arbitrator appointed by the tenant and landlord. The hon. Member for Kilkenny (Sir John Gray) said that the limited owner would not bind the estate for ever and ever, because what he did was to grant a lease for 30 years, but in reality the scheme was merely one to induce the remainderman to concur in the act of the tenant for life. And he maintained that it would be almost impossible for the remainderman to resist the pressure and combination of the tenants of an estate, if the tenants combined to force this fixity of tenure. But the pressure would not be confined to the remainderman; for if this perpetuity of tenure with readjustment of rent every 14 years were adopted on an estate, the tenants of the estate adjoining would not rest until they had obtained the same privileges, and it would therefore have the effect of creating quarrelling, discontent, and controversy, in a number of cases, where now perfect contentment and peace prevailed. He agreed, too, with the hon. Member for Cavan (Mr. Saunderson), that even if this system of perpetual tenure could be introduced all over Ireland, it would not be desirable. If it generally prevailed, it would be impossible to enforce the provisions respecting forfeiture for subdivision and waste. The adoption of this scheme would take away all interest in the land from the landlord; all motive to reside in the country, to interfere in the management of the property, or to exercise supervision over it. The motives and the objects which led great proprietors to attend to the moral supervision, arrangement, and improvement of their estates, irrespective of money considerations, would be totally and entirely destroyed. The Bill as it now stood, though, of course, it contained matters that were objectionable, had this recommendation, that it contained some element of finality. As it stood, it was an announcement by the Government, and he believed a sincere announcement, that they would go no further, and would not yield anything in answer to further agitation. But if the Government yielded on this point, a fresh agitation would spring up, because the people of Ireland would believe that the Government could be induced by pressure to go further, and that larger concessions could be obtained by perseverance. He trusted that the Committee would not waste its time in discussing the Amendment of the hon. Member for Plymouth (Mr. Morrison) for, though the Amendment might in some respects be superior to that proposed by the hon. Member for Kilkenny, the principle involved in both was the same, and in either case the Government had to consider not a question of detail, but the wisdom of introducing alternative schemes into the Bill. The adoption of any alternative scheme would, he felt convinced, only lead to further agitation, and be detrimental to the interests of the people of Ireland; and he, therefore, trusted the Government would be firm in their refusal to accept this or any similar plan.

Mr. M'MAHON said, he hoped the Government would re-consider their resolution, and attend rather to the wishes of their ordinary supporters than to those of their habitual opponents. The Government had yielded far more frequently to propositions coming from the other side of the House than to those coming from that side. ["No, no!"] If the Amendments to the Bill were recapitulated his statement would be found to be correct. This proposition was supported by most of the Liberal Members from Ireland. The objections of the representatives of Ulster should have no weight against the present proposition, because it was not intended to apply to Ulster tenant-right, nor to any custom analogous to that tenant-right. He was surprised to find the right hon. and learned Gentleman (Dr. Ball) opposite, of opinion that this Bill would stop all agitation, or, rather, political movement for further improvement in the relations between landlord and tenant, because it must be remembered that the atrocious Landlord and Tenant Law of 1860 still remained unaffected. What did his hon. Friend (Sir John Gray) propose? The unlimited owner now could enter into covenants far more prejudicial to the remainderman. Hon. Gentlemen opposite forgot that the first principle of political economy was to give to the occupier of the soil the highest possible authority over it in order to secure its perfect cultivation. That principle was laid down by Paley and by Adam Smith, and it was on that principle that the Tithe Commutation Acts and the Act for enfranchising copyholds were based. At present the unlimited owner might give leases for ever without requiring that the rent should vary according to the prices of agricultural produce. But his hon. Friend did not propose any such thing. According to his scheme the rent would vary from time to time, not only according to the prices of agricultural produce, but according to the valuation of the land. And then as to the limited owner. From the reign of Charles I. up to 1856 a limited owner could give a lease in Ireland for three lives or 31 years. What did his hon. Friend propose? Why, that a limited owner who had entered into the proposed arrangement with his tenant might have the rent varied every 14 years, according to the prices of agricultural produce and the valuation of the land, and at the death of the limited owner his successor might come in, and, if he disapproved the arrangement, might enter into a new one, the original agreement not prevailing against him for more than 31 years. In short, his hon. Friend's proposal was a 31 years' lease from the last adjustment of rent. What wrong, then, was done to the remainderman? He was surprised that the Government and those who supported them, as well as Gentlemen on the other side, should not see that the scheme of his hon. Friend only made the Bill more perfect; it was offered in no hostile spirit, but only with the view that landlords and tenants might by agreement release themselves from the complicated conditions of the Bill. Unless some provisions of that kind were introduced into the Bill the measure would go to Ireland, not as a message of peace, but as a cause of irritation; and he hoped the Government would therefore be guided in that matter by their best friends, and those who almost alone represented the tenant-right institutions of Ireland.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he was very much disappointed with the speech of his hon. and learned Friend the Member for New Ross (Mr. M'Mahon). On the part of the Government he thought he had a right to complain of the way in which the hon. Member had spoken of the Bill itself, irrespective of the proposition immediately under the consideration of the House. His hon. and learned Friend had told the Committee that this Bill instead of being a message of peace to Ireland, would lead to litigation—that by the Bill the Government destroyed the tenant-right of Ulster, and afforded incentives to landlords to rob their tenants. The latter assertion appeared to him to be a very extraordinary one, seeing that the Bill made ejectment more difficult by imposing severe penalties on landlords who evicted their tenants. Then his hon. and learned Friend told the Government that they destroyed the tenant-right of Ulster. This statement, if allowed to go uncontradicted, might do much harm in that Province, of which his hon. and learned Friend had no knowledge whatever. He (Mr. Dowse) had some knowledge of Ulster, and he could assure his hon. and learned Friend and the Committee that this Bill took nothing from the tenant-right of that Province; on the contrary, it added largely to it by giving the sanction of law to that which at present was based on morality and justice. Perhaps, however, his hon. and learned Friend's speech had not been made for this, but for "another place," and every man should have an opportunity of speaking according to his instincts. His hon. and learned Friend said that the Government had treated their friends badly by turning a deaf ear to their representations. If hon. Members who held such opinions as his hon. Friend on this Bill were called their friends the Government might be pardoned for wishing to be saved both from the advice and assistance of such friends. He (Mr. M'Mahon) said, that the Government had made concessions to the demands of their opponents, instead of yielding to the remonstrances of their friends. Now, he found there had been 23 Divisions in Committee on this Bill, of which only three had been brought about by Gentlemen on the Government side of the House who held extreme tenant-right views. In those Divisions, in which the Government had succeeded against their opponents, by arguments, he ventured to think, as well as by numbers, they had frequently been assisted by his hon. and learned Friend who had just spoken. Now, as to the clauses proposed by the hon. Member for Kilkenny (Sir John Gray) he objected to them, first, on this ground—that they did not deal with the Province of Ulster at all. If they were made law, that important Province should also have the benefit of them. He also objected to them on the ground that if Parliament thought it right and proper to do what the hon. Member would give the landlords a permissive power to do, it ought to do it itself by legislative enactment. He could understand the position taken up by the delegates who had come over from Ireland. There might be something to be said for fixity of tenure, while certainly there was a good deal to be said against it; but, at all events, the delegates asked Parliament to exercise an undoubted right; but the hon. Member for Kilkenny proposed that Parliament should ask the landlord to do what, if it were wise and right, Parliament ought to have the courage to do for itself. For the landlord who held in fee simple the proposal could not be by any means necessary, because already he had power to give a lease for 999 years, with power to revise the rent every 14 years, and to settle by arbitration any dispute with the tenant. There was one purpose which, if adopted, it might serve, though he did not say that those who advocated it had that purpose in view. It would afford a means of holding up to hostile criticism the landlord who did not avail himself of the provisions of the proposed clause. There was no species of coercion which would not be used to induce unwilling landlords to deal with their tenants in accordance with those provisions. That was a reason why he said that this proposal should not be assented to, as far as fee-simple owners were concerned. Then how did it propose to affect limited owners? All that the tenants would get under the clause in the case of limited owners was a 31 years' lease. The tenant doubtless would imagine he was getting perpetuity of tenure, at a fixed rent; but he would find out to his disgust that he got nothing more than a 31 years' lease. It was worse than a 31 years' lease, because it had all the disadvantages of a fluctuating tenure. He had, therefore, two objections to make to the proposal —the first was, that the first part of it was bad, and the second was, that the second part was bad, and as it consisted of those two parts only, it was bad altogether. A more fatal objection to the clause, however, was that it would introduce an alternative scheme into the Bill. If they were agreed to the Irish tenant would at once jump to the conclusion that, after debating this Bill for so many nights, the House had been unable to make up its mind which of the two schemes it would adopt, and had consequently left to the Irish people to decide which it would prefer. This in itself would injure the Bill, and deprive its provisions of all weight as a final settlement of the land question. It had been suggested that the objections to the clause were merely on matters of detail that might be smoothed over by the exercise of a little care. But an examination into those details would show their formidable nature. The hon. Member (Sir John Gray) had lauded the clauses on the ground that they would prevent litigation, but in his (Mr. Dowse's) opinion, they would be, on the contrary, a most fertile source of litigation. In the first place, everything was to be done through the medium of the Court,—the clause not informing the House what that Court was to be—and the best way to foment litigation was—never to be able to do anything without the intervention of a Court. The first thing that the Court was to do was to investigate the title of the owner—a proceeding occasionally long, elaborate, and expensive; then the Court must be satisfied that the interests of the mortgagees would not suffer, and of course the mortgagees must be heard upon the point, and a second elaborate investigation entered into, and then the Court might direct the estate to be registered, provided that no tenant objected to his particular holding being registered. In the event of any tenants raising such objection, the Court—again the Court—was to hear the particular case of each objecting tenant, and was to determine whether or not such objections were valid, or ought to be set aside, and the holdings registered. And what then? Why, the rent was to be fixed, in the first place, by mutual agreement, and resettled after the expiration of every 14 years by the Court. And then even in cases of gross misconduct on the part of the tenant the landlord would not be able to serve an ejectment upon the former without first obtaining the sanction of the Court. A measure more completely subversive of all the relations between landlord and tenant he never saw. If the Government or the Committee were to yield to the propositions of the hon. Member, they would not open a door to litigation, because that word would be a very inadequate description of the facilities afforded for legal contention, but would cause a flood of litigation all over Ireland. Both on principle and on common-sense considerations the Government could not consent to send to that country an alternative scheme which they did not believe to be better or so good as their own, and, therefore, he hoped the Committee would reject this clause.

MR. MORRISON said, that as allusion had frequently been made to what was known as the Longfield plan, by several hon. Gentlemen, some of whom had expressed their preference for it over the scheme of his hon. Friend (Sir John Gray), he would venture to claim the indulgence of the Committee in explaining why he preferred it to the plan of his hon. Friend, and to do this he must explain what the Longfield plan was; and this course would be convenient both to the Government, in saving them from a second debate on a plan having many features similar to that under discussion, and also to those hon Gentlemen who would follow him, and who might also wish to compare the comparative merits of the two plans. The right hon. Gentleman the Member for the University of Dublin (Dr. Ball) had objected that both schemes would lead to fixity of tenure without any periodical adjustment of rent, and the chief objection raised by the Government against his hon. Friend's clauses was, that they involved Government valuation of rent. But the plan of Judge Longfield certainly was not open to the last objection, while, as regarded the former, he was prepared to contend that the Government Bill gave virtual fixity of tenure, in the sense that no landlord would be able to resume possession of a holding without paying about as large a price as he would have to pay under the Longfield plan, and even under that of his hon. Friend. After explaining the reasons of the alterations made in the form of his clauses, in the hope of making them more acceptable to the Government, he said that Judge Longfield's plan providing for a re-adjustment of rent was this—that any landlord and tenant having agreed to come under statutory tenant-right would mutually agree on a rent which should be binding on both sides for seven years. At the end of that term, in the month of November, the landlord might give 12 months' notice of his intention to raise the rent, and the tenant would have until the following 10th of May to consider the matter. If he objected, the landlord must buy him out by a seven years' purchase, calculated on the basis of his own increased demand, or else let him remain at the old rent for seven more years, and the possibility of having the demand made would prevent the landlord asking an exorbitant rent. If owing to a reduction in the price of agricultural produce, or from other causes, the tenant should conceive that the price of his land ought to be lowered, he, in like manner, would have to serve notice upon his landlord, and the landlord would then have five or six months to consider the equity of the proposition. At the end of that time, if he thought the tenant's demand unreasonable, the landlord would be entitled to buy out the tenant and to resume possession on paying seven years' rent, calculated upon the tenant's own appraisement. Future re-adjustments of rent would take place at intervals of at least seven years. Thus availing themselves of the ordinary motives and reasonable selfishness by which men were actuated and governed, it would be possible to impose restraint upon exorbitant demands at either side, and to enable something like a fair valuation to be arrived at between the two conflicting interests. The Government Bill, on the other hand, bristled with references to the Court for the purpose of ascertaining what was a fair and proper rent, thereby contrasting unfavourably with the Longfield plan. The only case in which it would be necessary for the purposes of his Amendment that the Court should be appealed, to with a view of determining questions of value, would be where it became necessary to determine the value of improvements effected by the tenant after each adjustment of rent. Thus, it was plain that litigation must be largely avoided. The fair rights of the landlord would be respected; for, as the land increased in value, he would be able, by a self-adjusting process, to obtain for it exactly that amount of increased value which was due to circumstances, apart from the labour and expenditure of capital by the tenant. This plan would have the effect of preserving and extending throughout the country the best features of the Ulster custom, while avoiding many of its disadvantages. In the course of the visits which he paid to Ireland during the Recess, he heard the greatest anxiety expressed lest the effect of the Government Bill might be to allow the tenant's interest in the holding to be frittered away by undue increase of rent, and he was glad that his right hon. Friend the Chief Secretary (Mr. Chichester Fortescue) had effectually dissipated that apprehension. Under the Longfield plan, however, there was no such danger that the Ulster custom would be annihilated. To the clause providing that the tenant, who quitted his holding voluntarily, should be at liberty to sell it to the highest bidder, an addition might be fairly made, providing that the landlord should have the right of pre-emption at a price fixed; and the only reason why he himself had not inserted such words was, that he did not wish to make the clause too complicated. Other minor points were incorporated with his scheme as with the Government Bill. He maintained that all they need take care of in considering the limited owner was not to injure the position of the remainderman, as to rent, and the security of the remainderman for his rent would be considerably increased by his going under such a system as the Longfield system, for it was a notorious fact that in no part of Ireland were rents so punctually paid or so steadily increasing as they were in Ulster. But it might be asked how far they could expect the landlords and tenants to agree to go under any form of permissive Parliamentary tenant-right. He apprehended that, if either the clauses which stood in the name of his hon. Friend, or those which stood in his own name, were carried, advantage would not be taken of them for some years, because landlords and tenants alike would wait to see the working of the Government measure and to watch the decisions of the assistant barristers of their own particular county. Each then would make his own calculation as to the probable sum for which, in the event of disturbance in his holding when notice to quit had been served, with a view to increase of rent or otherwise, the landlord would be liable. They would consider, from the decisions of the barrister, what amount he would give under Clauses 3 and 4 of the Bill, and any difference either way from seven years' purchase of the existing rent would be made up probably by a money payment, or equivalent alteration of the rent, by any sum paid being probably agreed to be spent on the holding. If a tenant under the Ulster custom was entitled by the custom of the estate to ten years' purchase, he would bargain with his landlord that the difference between seven and ten years' purchase should be laid out by the landlord on his holding; if only entitled to five years' purchase of the rent, he would agree to lay out two years' purchase on his holding; and so both parties would start fair, the existing value of all tenant's improvements being allowed for at a time when, both landlord and tenant being on friendly terms, a fair value would be agreed upon, neither party looking to any determination of the tenancy. Under the Government Bill, improvements would have to be valued after notice to quit had been served, when both parties were at arms' length, inclined to fight out the valuation of each paltry item to the bitter end. Under both the Government Bill and the Longfield plan a visitation like the potatoe famine or the rinderpest would put the tenant at the mercy of the landlord; but landlords would not be hard in such a case, and if, under the Government Bill, the tenant would then get the value of his improvements, the Longfield plan allowed him to sell his tenant-right for what it would fetch. Nor need landlords fear that tenants would combine against a needy landlord. He understood that, in practice, no cash would have to be provided by the landlord, who would always be able to find other tenants to provide the money required to buy out the old tenants, at the lower rate to which, by their own demand for a reduced rent, they would alone be entitled. Now, there was no substantial difference between the plan of the Government and that of Judge Longfield with reference to the right on the part of the landlord to demand an increase of rent. But the only mode in which that demand could be made under the Government Bill was, that the landlord should serve a notice to quit, and so determine the tenancy. So that a landlord of a holding not under the Ulster custom could not increase his rent without putting himself in a position by which the tenant would be able to claim compensation for disturbance, to say nothing of the indefinite item for tenants' improvements. Practically, the effect of what he proposed would be to establish a form of Ulster tenant-right, applicable to the whole of Ireland, which, among several other advantages, would have that of establishing a system of uniformity throughout the country. One of the advantages from this plan would be that the tenant would be able to calculate some six months before the termination of his tenancy the exact amount which he would have in his pocket to start afresh with. Now, one blot in the Government Bill was this—that, in all probability, in case the matter came to a fight about the sum to be awarded as compensation for disturbance, the landlord would have all the machinery ready for immediately evicting a tenant. He might have the Sheriff's officers at hand and the money in his pocket ready to pay over directly they left the Court, and though the Bill provided that the tenant was not to be evicted until the exact amount awarded had been paid, the decision made on Monday might be followed by payment on the Monday evening and eviction on Tuesday morning. In drawing up these clauses, it had been his object, and the object of those with whom he had been associated in this matter, to reconcile the scheme with the principle of the Bill, because they felt it would be quite impossible for the Government to accept any proposal which, in principle, was antagonistic to their own measure, and in this they believed they had succeeded. But, he would ask, under the Government Bill, what chance was there of the assistant barrister coming to a satisfactory conclusion with reference to the valuation for improvements? There would be hard swearing on both sides, and there would, he feared, spring up a class of landlord valuers and a class of tenant valuers, whose valuations would be full of discrepancies, and almost impossible to reconcile. Both the Government plan and the Longfield plan contemplated the imposition of a fine upon the landlord in the case of eviction, but with this advantage on the side of the latter, that the fine was limited to a certain amount. With reference to the question of mortgagees, they would be in a better position than under the Government plan, and as to the objection of the right hon. and learned Member for the University of Dublin (Dr. Ball) that his proposal was fixity of tenure, it was only fixity of tenure in appearance. If the landlord, under the Government Bill, wished to resume possession of any particular field, he could only obtain it by paying a considerable fine. Under the Longfield plan, he would have also to pay a fine; but, if the tenant stood out for an unreasonable sum, he would have to pay a heavy rent for seven years, and, therefore, the landlord would have much less difficulty in obtaining the field than he would under the Ulster custom. He claimed for his scheme the attentive consideration of the House. He could vindicate its right to discussion, because it fairly embodied the opinion of a man who might be regarded as high an authority on the Irish land question as any man living. Judge Longfield's position must, for many years, have brought him into contact with relations of every description between landlord and tenant. This was no scheme of a *doctrinaire* student. Judge Longfield and his colleagues had been called upon to administer an Act of Parliament which was passed to cut a Gordian knot when the Irish land question was almost as hopeless and tangled as it was when taken up by Her Majesty's Government. It was, at the time to which he referred, a question for the owners, and not for the tenants. There was scarcely any principle to guide Judge Longfield and his colleagues, and yet they built up a code, founded in a long series of decisions, which all men praised, by sheer sagacity and good sense, just as Lord Mansfield had built up our commercial law. As far as he was aware, the Irish people regarded the scheme with extraordinary favour. The Dublin Press had expressed their approval. *Saunder's News Letter* said that public opinion in Ireland had pronounced with singular unanimity in favour of Judge Longfield's scheme. He hoped that the Government would see their way to adopt those proposals in some form or other, and he intimated that he would support the Motion of the hon. Member for Kilkenny (Sir John Gray), as there was sufficient agreement in principle, at least, between them to justify him in taking that course.

MR. GLADSTONE: Sir, at the time when the important subject involved in the clauses of the hon. Member for Kilkenny (Sir John Gray) was previously under discussion, I expressed a desire to give the fullest consideration to so weighty a proposition, partly on account of its great scope and range, partly on account of the evident care that had been bestowed on its preparation and development, and partly also because a large number of Irish representatives were understood to have declared their approval of it. It was, therefore, in perfect good faith that we asked my hon. Friend, in lieu of proposing to add it to the 3rd clause, already sufficiently weighted, to bring forward his clause as an independent proposition; and I hope that in the arrangements that have been made he will admit that we have redeemed our pledge, and that he has had an ample opportunity for laying his view before the Committee. The result of that, I must confess, has been that we have not found the conditions fulfilled which alone would have warranted us in assuming the very grave responsibility of accepting his plan. We have before us in a certain sense two propositions, and with great fairness my hon. Friend who last addressed us (Mr. Morrison) has been allowed to explain the alternative plan which he thinks is preferable to that of the hon. Member for Kilkenny. On that alternative project of Judge Longfield, as the hon. Member for Plymouth (Mr. Morrison) called it, I would say this—either it is a substitute for the plan of the Government with respect to evictions, resting on the same basis, or else it is a plan for granting fixity of tenure. If we are to regard it as a plan for granting fixity of tenure, it comes in all senses within the same category as that of the hon. Member for Kilkenny. If, on the other hand, we look upon it as a simple alternative to the plan of the Government, of giving damages for eviction and thereby restraining the capricious exercise of the landlord's power, I am prepared to contend for the plan which the Committee has adopted in preference to it. It is quite plain that the whole of the elasticity given to the plan of the Government by the Equities Clause is excluded by the plan of my hon. Friend. There is only the one rigid measure of seven years' rent which is to be on the one side claimed, and on the other side paid, entirely irrespective of all questions of convenience or inconvenience, of reasonable or unreasonable conduct, of greatness or smallness of loss. Supposing, for example, that a landlord, in order to effect an improvement in the arrangement of his estate, desires to get a particular holding into his hands for his own purposes, but which would inflict, under some circumstances, a hardship upon the tenant, and supposing he points out to the tenant a better holding on his estate as at the service of that occupier, still, according to the plan of my hon. Friend the Member for Plymouth, as I understand it, the landlord must go through what I must call the comedy of demanding an increase of rent which he does not want in order to get possession of land which he does want; and although he is not proposing to inflict an injury on the tenant, but is offering him a better farm on his own property, he cannot get hold of the land if the tenant refuses without giving him seven years of the augmented rent. But my hon. Friend is going to vote with the hon. Member for Kilkenny. He has shown, I will not say, the cloven foot, but the angel's wings. He admits the identity, in principle at least, of the two plans; and he used an expression which, I think, was condemnatory of his scheme, when he said—

> "As to the objection of the right hon. and learned Member for the University of Dublin (Dr. Ball) that his proposal was fixity of tenure, it was only fixity of tenure in appearance."

Does he then really think it is wise for us to give to Ireland fixity of tenure in appearance? I am irreconcilably opposed to granting fixity of tenure; but I must say, if it is to be granted at all, it ought to be granted in reality and not in appearance only. I should not like to be responsible for working on the passions and susceptibilities of the Irish nation by holding out to them a promise which undoubtedly has much attraction for them, with the reserve in my own mind of my own conviction that that which we offer was to be redeemed from the danger that might otherwise accompany it by our knowledge that it was not the thing it professed to be, but that while it promised fixity of tenure it was something essentially different. Therefore, practically considering it impossible to discuss the two schemes conjointly in detail, I now turn to the proposal of my hon. Friend the Member for Kilkenny, which is to be supported by my hon. Friend the Member for Plymouth. On the former occasion I made this demand on my hon. Friend the Member for Kilkenny as a *sine quâ non* to enable us in any measure to entertain such a project—namely, that he should produce to us evidence of at least a sensible and considerable amount of adhesion to it on the part of Irish landlords—evidence of a promise that if this plan were adopted it would be acted upon by a considerable number of proprietors of land. I am not by any means able to say, even if that had been produced, that it would have removed my objections to the plan; but it was a preliminary condition, on which alone it could have been entertained. It is, I think, almost self-evident that an elaborate alternative scheme of this kind, trenching on subjects of the utmost delicacy and no inconsiderable danger, ought not to be introduced into the Bill, except for a practical purpose; and if it is not to be acted upon by a body of landlords sensible in number, it could not be introduced into the Bill for any practical, useful purpose, and would lead to no practical, good result. Well, has my hon. Friend fulfilled that preliminary condition? I affirm boldly that he has not. True, the hon. Member for the county of Galway (Mr. W. H. Gregory) has given the plan his frank and cordial support. My hon. Friend the Member for Galway is well known as a worthy representative of an admirable class of landlords; but he stands alone in supporting this clause and in saying—"Pass it and I will act upon it." One swallow does not make a summer, and my hon. Friend the Member for Galway's adhesion does not suffice by itself to fulfil the indispensable condition to which I have referred. Well, my hon. Friend the Member for Kilkenny has this advantage, that his plan, I admit, on the face of it bears the appearance of free contract; and I frankly allow that the limitation of the freedom of contract—although we are obliged to adopt and adhere to it, and maintain it firmly, for the sake of the purposes of the Act—is a choice of evils. We are sorry that it is necessary to interfere with freedom of contract, and my hon. Friend has the advantage of appearing to return to freedom of contract; but is the freedom of contract which the plan bears on the face of it a real freedom? He cannot himself but have been struck with the singular fact that in this House, where so many Irish landlords sit, and where so many Gentlemen on both sides are well qualified to assist the House by their weight, by their sense, and their experience, there has been an extreme paucity of witness borne in favour of his project. It is true, I believe, that 39 hon. Members signed a Memorial recommending the consideration of a plan of this kind; but permit me to say it is one thing to sign a Memorial in the early stages of a discussion of this sort, when the Bill produced by the Government was a speculation not as regards the convictions of the Government themselves, but as regards its acceptance by this House: it is one thing to sign a Memorial recommending a plan for consideration, at a time when it only comes into competition with another scheme that has not received the stamp of Parliamentary approval, and entirely another thing to hold yourself bound to adhere to that provisional assent, given at a preliminary stage, after this House has deliberately and upon full discussion and consideration affirmed by large majorities its sanction and approval of the plan embodied in the Bill. Well, Sir, but is this plan really founded on freedom of contract? If it is to be incorporated in the Bill, which I hope is shortly to be an Act of Parliament, one of two things will happen. Either it will be a dead letter or it will be acted on. If it is to be a dead letter, then I think we shall all agree it would be better that the Act should not be encumbered with it, because it will assume the character of a promise unfulfilled, and a promise unfulfilled is always an evil in dealings between the Legislature and the people. But if acted on, will it be acted on freely? Is the position in which my hon. Friend proposes we should place the landlord a fair one, either as regards the landlord class or the individual landlord? Now, let us see what our plan is—the plan in what was the Bill of the Government and what may now be called the Bill of the Committee. In framing this Bill, we were fully aware that it was not a plan which would create a great amount of hilarity in Ireland. Had our object been merely to solicit favour for the hour we should have adopted, no doubt, some plan of absolute tenant-right, of valuation of rents, and in one form or other, of perpetuity of tenure; but on looking carefully through those plans, we thought they were fraught with danger, we thought they involved mischief to every class concerned in the ultimate working of a Land Bill, and, therefore, we founded our Bill on other bases. We resolved to recognize the right of the tenant to improvements made by him, and to sanction custom where established. With the view of checking arbitrary evictions, we framed provisions which impose a payment in the nature of a fine for such evictions. But in doing this we carefully put aside everything that promised, or seemed to promise, fixity of tenure, and everything in the way of what may be described as valuation of rents. It is said by my hon. Friend the Member for Kilkenny that valuation of rents is in the Bill. I do not deny that, under the Ulster custom, the claims of the landlord and the claims of the tenant may to a certain extent come into conflict. Though there is no valuation of rents, that collision may be said in certain cases to exist. But the Ulster custom is no creation of ours; we only ask Parliament to give its sanction to that which is a custom; and in the most rigid language we prevent the Ulster custom being adopted in other parts of Ireland, unless it is in all respects the Ulster custom. In other words, we have been careful not to allow currency to what may be called a spurious Ulster custom; but outside that custom, what is said about valuation of rents? Future rent is not fixed by the Bill. It is not brought under the cognizance of any authority. A positive charge, limited in its character, is a totally different thing from a valuation of rents. Except in a single retrospective provision, there is nothing to fix the amount of rent which the landlord shall charge the tenant. We shall leave the parties free as to the amount of rent; but in certain cases of eviction we say that the tenant shall be entitled to compensation in respect of the amount of rent. Everyone will admit that, whether it be right or wrong, this division is strictly limited. It is retrospective. Where contracts have been recklessly formed we have asked that eviction for non-payment of rent shall, if the Court think fit, be deemed a disturbance of the tenant. But that is not to enable the Court to see what rent shall be paid hereafter or what shall be paid now. It is merely a declaration that where an extravagant bargain has been made which the tenant is not able to fulfil, he shall not lose his claim to compensation on being turned out of his holding. My hon. Friend has taken and put together all those ideas most fascinating to the Irish mind, susceptible as it is on this land question; and when we consider what this land question is, we can account for the excitable temper of the Irish people being stirred, bewitched, led away by the presentation of ideas as to fixity of tenure and valuation of rents, which, like so many flowers of fragrant scent and brilliant hues, he has gathered and bound together. If Parliament sanctions what he proposes, he would present them to the Irish tenant, and say—"Valuation of rents and perpetuity of tenure have received the sanction of Parliament, and there is nothing wanted to prevent you from enjoying them but the will of that individual man, your landlord." If we believed that the provisions which my hon. Friend proposes would be beneficial to the country, it would be our duty to give them compulsory force by legislative enactments, and to consider from what sources we ought to provide compensation to the landlord for the deprivation of rights which he now enjoys. We do not believe that the adoption of my hon. Friend's proposition would be for the advantage of the Irish tenant; and I do not think my hon. Friend will be surprised that, feeling it to be our duty to conduct this measure through the House in a spirit of perfect impartiality towards every class, we are unable to accede to a proposition which would place such a strain on one class, and not only on one class, but on every member of that class. I cannot admit for a moment that the principle of my hon. Friend's proposition is reconcilable with the principle of this Bill, while I gratefully admit the value of the support we have received from my hon. Friend in the progress of this measure through the House, and entirely accept his assurance, which is borne out by the course he has hitherto adopted, that he does not intend that his clauses should interfere with the working of the Bill. I am relieved from going into the details of those clauses by the speech of my hon. and learned Friend the Solicitor General for Ireland, who explained the position of mortgagees and other encumbrancers, who, if the clauses of my hon. Friend the Member for Kilkenny were adopted, would find, in 10, 15, or 20 years, claims of which they had never heard or dreamt taking precedence of theirs. If we went into Committee on these clauses we should find insurmountable difficulties of detail in the way of their adoption. But I am about to make an objection of a more general kind. The Government has, at every stage of the Bill, endeavoured to place this one feature full in the notice of the House—namely, that the Bill has been studiously framed in the spirit described by my hon. Friend the Member for Cavan (Mr. Saunderson), who said, as an Irish landlord, he hoped that, upon the passing of the Bill, it would not be his duty to take any step whatever. The object of the Government has been so to frame the Bill that it shall not entail upon any landlord or any occupier the necessity of taking any positive step whatever—that it shall descend upon Ireland as a vessel well launched descends into the sea, without shock or perturbation of any kind, and only find its existence in increased confidence, goodwill, industry, and outlay, and in greater cheerfulness and activity in daily operations, and not by its occasioning the resorting to formal proceedings for the inauguration of the new state of things. But how does the plan of the hon. Member stand that test? He states that the object of his plan is to avoid litigation. But he begins in a Court, and he requires that every landlord shall, through the medium of that Court, challenge his tenants to enter into a new state of things in order to carry out a preliminary, without which his plan can never take effect and must remain a dead letter. That is a mode of procedure so entirely at variance with the principles of the Bill that Her Majesty's Government have felt that it would be impossible for them to accede to it, even had the hon. Member shown that a great body of the Irish landowners were prepared to accept it. The hon. Member has, however, not shown that there is the slightest probability of even a handful of the landlords being prepared to act upon his plan; and although, no doubt, it has been benevolently, carefully, and ably drawn, it is not such a plan as, in the judgment of the Government, has a claim on the assent of Parliament. The Government, holding these views, would not be discharging their duty to the Irish people were they to encourage the hon. Gentleman to believe that it would be possible for them to assent to his plan being incorporated in the Bill; but, on the contrary, they would be rendering themselves liable to the charge of having endeavoured to bewilder and delude him.

MR. PIM said, he hoped his hon. Friend the Member for Kilkenny (Sir John Gray) would be satisfied with the discussion, without pressing the clause to a Division. He was one of those to whom the hon. Member for Cavan (Mr. Saunderson) had referred as having signed the document which had been so frequently referred to in the course of the debate, and having afterwards changed his opinion; and he knew that he did not stand alone in this respect. [*Laughter.*] Hon. Members might laugh, and any hon. Member who had never signed a document which he afterwards regretted having signed, was fully entiled to laugh. The objections which had been urged against the proposal by the Government appeared to him to have such weight that, if the hon. Member determined to divide the Committee, he could not vote with him; but he thought these objections had much less force if applied to the other plan which had been proposed by Judge Longfield, and which he felt strongly inclined to support.

MR. MURPHY said, he rose to explain the causes that had led him to sign the document. He might observe that he had only recently returned from Ireland, and that he had found that the Irish people were becoming more satisfied with the Land Bill every day. They believed that if it was honestly carried into effect it would prove a great boon to their country. They said it was a better Bill than they had reason to expect, and that they had never dreamt that they should live to see it carried into effect. He had signed the document not because he approved the principles it set forth before any others, but because he thought it worthy the consideration of the Government. He had, in fact, signed the document, desiring the Government to consider the scheme, and to ascertain whether the Government would consent to it; and not for the purpose of binding himself to the hon. Member's (Sir John Gray's) clauses.

SIR JOHN ESMONDE said, he was in a somewhat different position from several hon. Members who had addressed the House. He had declined to sign the document referred to; and he stated at the time as a reason for so declining, that the effect of the principle therein advocated would interfere with existing settlements of property, especially as regarded limited owners and encumbered estates.

Sir JOHN GRAY said, he had had no communication with the hon. Member for Cork (Mr. Murphy), as to the policy of his clause; but he received a letter from the hon. Gentleman stating that the Member for Galway (Mr. W. H. Gregory) was authorized to place his name to the requisition.

Mr. MURPHY: Does the hon. Member mean to say that I did not expressly state to him that care should be taken to provide for limited owners?

Sir JOHN GRAY replied that on several occasions he had taken the liberty of asking his hon. Friend (Mr. Murphy), as a legal man of great experience, if he could suggest any plan of getting over the difficulty suggested by the hon. Member for Waterford (Sir John Esmonde), but in vain. He was bound to say that the Government had strictly kept their promise to allow an opportunity for the discussion of this proposition; but he was not satisfied with the answers which had been given to the arguments used in its support. Nothing could be clearer than that the Bill embodied the principle of adjustment and valuation of rent; but the right hon. Gentleman at the head of the Government had overlooked the 6th clause, which dealt with the matter. There was no ground for the imputation that this proposition had been made for the purpose of promoting agitation. It was intended to have precisely the opposite effect.

Mr. MORRISON said, he regretted that Judge Longfield's plan had not been more fully considered; but, as it was essentially an Irish question, he thought it would be for Irish Gentlemen to decide what course they would take with regard to it.

Mr. COGAN said, that he rose as one of those who had pressed the consideration of this proposition on the Government some weeks ago. He did not regret that he had done so; but he would now suggest to the hon. Member for Kilkenny (Sir John Gray), whether it would not be consistent with the object he had in view to be satisfied with the discussion which he had evoked? A Division would probably place some Members in a position of some difficulty. Many were in favour of the hon. Member's proposition, while others preferred Judge Longfield's plan. Having regard to the course taken by the Government, and the views of hon. Members opposite, there could be no doubt as to what would be the result, if the Committee divided; and he thought it would be better to abstain from a Division, which might tend to lessen the moral effect of the Bill.

Question put, "That the Clause be read a second time."

The Committee *divided:*—Ayes 29; Noes 317: Majority 288.

Mr. MORRISON said, that after the position in which his proposal was left by the Division, he would not put the House to the trouble of again dividing, but would consider whether it was desirable to raise the question in another form.

The O'CONOR DON said, he begged to move that the Chairman report Progress, only for the purpose of expressing his regret that the proposition of the hon. Member for Plymouth (Mr. Morrison) had not been discussed but had simply been dismissed by the Prime Minister in a few words. He hoped the hon. Member would avail himself of another opportunity to have the matter discussed.

Motion, by leave, *withdrawn.*

Sir HERVEY BRUCE proposed, after Clause 11, to insert the following clause:—

(Lettings in con-acre.)

"For the purposes of this Act the letting by con-acre shall be deemed a subletting where the same land is let oftener than once in four years, or is let for the planting of any crop but potatoes or other green crop."

He said that though he could not agree in the extreme approval which had been expressed of the Bill yet when it became law he should go to Ireland with a firm determination to carry out its provisions and make it work as well as possible. He must express his regret that the Judges were to be paid by results, for he feared that such a system would cause protracted litigation.

Clause (Lettings in con-acre,)—(*Sir Hervey Bruce,*)—*brought up,* and read the first time.

Mr. CHICHESTER FORTESCUE said, no notice was taken in the Bill of the con-acre system, and it was better to leave the matter to be settled between the landlord and tenant.

Sir HERVEY BRUCE said, that Clause 11, sub-section (3) noticed it.

MR. M'CARTHY DOWNING said, it was desirable that the labourer should be assisted in obtaining a piece of land for sowing his potatoes in, and he trusted the Chief Secretary for Ireland would reconsider the matter.

MR. BRUEN said, he must express his surprise that the Government did not accept this clause. He had understood that they would do so.

MR. BRODRICK said, he believed that the con-acre system would be destructive to the best interests of Ireland.

Question put, "That the Clause be read a second time."

The Committee *divided:* — Ayes 90; Noes 177: Majority 87.

MR. W. H. GREGORY said, he had an important clause to move. It related to the conditions for the erection of labourers' cottages; but, at that late hour of the night, it would be hardly possible to do justice to it.

MR. BRUCE moved that the Chairman do report Progress and ask leave to sit again.

MR. GLADSTONE said, he would submit that in the case of a very great measure like this, when there had been prolonged discussion, the Committee should make some special effort when they came near the close, not by abridging discussion—no Government had a right to demand that—but by submitting to personal inconvenience as to hours of attendance. It was essential to finish during this week the Committee on the Bill, in order that it might be reprinted and circulated, and he, therefore, hoped that if Progress were reported now, the Bill would be disposed of in Committee to-morrow night.

House *resumed.*

Committee report Progress; to sit again *To-morrow.*

House adjourned at half-
after One o'clock.

HOUSE OF LORDS,

Friday, 20*th May*, 1870.

MINUTES.]—PUBLIC BILLS—*First Reading*—Tramways * (107); New Parishes Acts Amendment (1870) * (108).

Second Reading—Poor Relief (Metropolis) (97).

Select Committee — Sequestration * (81), The Lord Bishop of Ely *added*, Lord Westbury *discharged.*

CIVIL DEPARTMENTS (SCOTLAND).

QUESTION.

THE EARL OF AIRLIE wished to know, Whether the Government proposed to take any steps for carrying out the recommendations of the Civil Departments (Scotland) Commission? The subject into which that Commission was appointed to inquire was not a new one. In 1858 Mr. Baxter proposed, in the House of Commons, the creation of a Secretary of State for Scotland; but the Motion, modified in favour of an Under Secretary, was opposed both by Lord Palmerston, then Prime Minister, and Mr. Disraeli, and negatived by a large majority. In 1867 the subject was discussed on the Motion for going into Committee of Supply, but no substantive Motion was made; and last year, in the House of Commons, a Question was put to the Prime Minister, who stated that, in consequence of the representations of the Scotch Members, the Government proposed to institute an inquiry, by such administrative means as were at their command, into the administration of Scotch business. The representations referred to were probably those contained in the Memorial which was appended to the Report of the Commission—that the functions of the Lord Advocate were too multifarious to be overtaken by one man; that it was objectionable to place the chief government of Scotland in the hands of a practising lawyer; that the existing system of management by Boards in Edinburgh was cumbrous; and that Boards were not directly responsible to Parliament; that the creation of an Educational Board would tend to perpetuate an objectionable system, and that the appointment of a Chief Secretary for Scotland, as in Ireland, would be most acceptable to the people. One of the memorialists —Mr. M'Laren, the Member for Edinburgh—defined at great length what, in his opinion, should be the duties of the new official. In consequence of these representations, a Commission was appointed under a Treasury Minute—

> "To inquire into the establishments now existing at Edinburgh, which are available for Scotch business, with a view to ascertain how far economy in those establishments, by their abolition, reduction, or modification, may be rendered practicable in the event of the appointment of any new Parliamentary officer for the transaction of Scotch business."

The specific instructions to the Commissioners were to inquire into—

> "1. The authority under which those offices are constituted. 2. The number, rate of salary, &c., of the officers belonging to those establishments. 3. The duties which they perform."

The Instructions, therefore, given to the Commissioners were full and comprehensive; they were not tied down by any narrow and technical restrictions, but ample scope was given them for ascertaining the state of public opinion in Scotland as to the Scotch establishments. In pursuance of their Instructions, the Commissioners proceeded to examine a great number of witnesses—all persons well versed in the transaction of Scotch business. They also transmitted a series of questions to the Conveners of Counties and the Magistrates and Town Councils of the burghs. He would venture to say that there never was an important question in which greater unanimity of opinion was exhibited by all the witnesses examined. The evidence given by everyone who was conversant with the present system of management of departmental business by the Scotch Boards was in its favour—there was a general agreement among all those who were qualified to speak to the facts, that the business was well and economically administered by the Boards, at much less expense than similar business in England or Ireland. The Conveners and Provosts all expressed satisfaction in the main with the mode in which Scotch business was at present conducted, and deprecated the appointment of a Chief Secretary. On the other hand—what was calculated to make even a stronger impression than the evidence in favour of the present system was, that the Scotch Members who memorialized Mr. Gladstone, failed to produce one particle of evidence in support of their assertions. Mr. Craufurd declined to give specific instances of the inefficiency of the Boards, and said "He would rather state generally that he considered government by Boards objectionable." Mr. M'Laren had to admit that he was not familiar with the working of the Boards; but asserted that the people of Scotland disapprove of Boards—an assertion he would leave the hon. Member to fight out with the Town Councils; and Sir Robert Anstruther allowed that the savings which he proposed might be well effected under the present system, while his only specific charge against the Board of Supervision—that of remissness in enforcing the Public Health Act, referred to June, 1867; whereas the Board had no Parliamentary power of intervention till the following August. Mr. Baxter, moreover, after 12 years' consideration of the subject, gave no details to show how a saving of £20,000 a year could be effected by the abolition of the Boards. The great desideratum of the advocates of change appeared to be the creation of a new Parliamentary Office, for which, practically, Scotch Members alone would be eligible; and, it being necessary to find duties for this new official, they proposed to subvert a system with which the people were well satisfied. Indeed, the gradual withdrawal of the matter from Parliamentary discussion, and the attempt by private representation to exercise pressure on the Government, were indications that the support of public opinion could not be confidently relied on. He came now to the Report of the Commissioners. The Commissioners reported that it was inexpedient, even if practicable, to substitute chief clerks and departments for the present Boards. They said that the present distribution of the business under the various Boards is decidedly economical, and, in a financial point of view, will bear comparison with the same branches of public business as administered either in England or Ireland; they suggested the amalgamation of the Board of Supervision and the Lunacy Board. Sir James Coxe, on the contrary, the Lunacy Commissioner, Mr. Walker, the chairman of the Board of Supervision, and everybody practically acquainted with the question were opposed to such a step. The present staff of each Board was fully worked, so that the amalgamation would not affect any reduction: and persons whose relatives were afflicted with mental derangement would feel it a stigma to have those relatives under the direction of a Board the proper business of which was the management of paupers. He hoped the Government would pause before consolidating two departments so perfectly distinct in their functions. The Commissioners, believing that Scotchmen were not altogether satisfied with the present arrangements, had recommended the appointment of a Scotch civil Parliamentary officer, to be attached to the Home Department, who should be one of the advisers of the Home Secretary—the Lord Advocate being the other—as to Scotch affairs. He thought that everyone who had looked to the evidence would see that there was not a shadow of foundation for the charges which had been brought against the Boards: he would admit, however, that he thought there was some ground for the complaints as to the conduct of Scotch Parliamentary business, it being notorious that Bills of great importance were introduced into the House of Commons at a very late hour, and reached their Lordships' House so late in the Session that it was impossible to give them due consideration. Moreover, the Lord Advocate, though generally, under any Government, a man of ability and eminence, was not always sufficiently accessible to Scotch Members; while, occasionally, his private practice required his absence from London during the Parliamentary Session. Admitting all this, however, he thought some modification might be made with advantage. The Scotch Lord of the Treasury was not overburdened with work—indeed, Sir William Gibson Craig, who once held that post, informed the Commission that he had much difficulty in finding sufficient work, though he ultimately succeeded. Before creating, therefore, a new Scotch Office, enough work should be found for that official to prevent, at least, the time from hanging heavy on his hands. The Home Secretary was really responsible for the government of Scotland as well as of England, and for Scotch as well as English legislation. It appeared to him that what was wanted was, that the Home Secretary should be well informed as to Scotch affairs, and the wishes, feelings, and habits of thought of the Scotch people; and he thought that might be effected by placing in the Home Office a permanent Under Secretary, who, if not a Scotchman, should, at all events be well acquainted with Scotch business. It seemed to him that there were considerable advantages in that plan over the plan proposed by the Commissioners of having a Scotch Parliamentary Under Secretary. There was the obvious advantage that, as he would not change with the Government of the day, his services would be available for every Home Secretary. It was one of the difficulties of Parliamentary government that, from the frequent changes of administration, and for other reasons, men were often necessarily selected to fill high and responsible posts who had no special knowledge of the duties which they were called upon to discharge, perhaps for the first time; and he had always understood that it was only because they were in the various offices gentlemen of great experience and ability, who did not vacate their posts when a change of Government took place, that that difficulty had been successfully met. Moreover, if they were to have a Scotch Parliamentary Secretary, the field of choice was limited by various considerations. In the first place, the Under Secretary must be a supporter of the Government of the day, and he must be a Scotchman, or, at least, a Scotch Member. But it was by no means certain that they would be able to induce the best of the Scotch Members to accept the new post. Men of energy and capacity would probably prefer to retain their independent position as private Members rather than accept a post in which there was not much to be done, and where, therefore, they would have but little opportunity of distinguishing themselves. There was a great risk that the Office might fall into the hands of men of inferior abilities, whose Parliamentary career had been more or less unsuccessful. He desired to see the most capable men selected; but he did not wish, whenever a change of Ministry took place, to see the government of Scotland thrown down as a prey to be scrambled for by a clique of hungry provincial politicians. He did not wish to see Scotland governed as a province; and the way to avoid that was to bring home to the Secretary of State the fact that he was responsible for Scotch as well as for English legislation; and that could be done more completely and effectually by placing in his Office a Gentleman thoroughly conversant with Scotch affairs than by the erection of a new Parliamentary Office, which might often be filled by a man who was not fit for it, nor for anything else, because the men who were fitted for it could not be got to take the place. He had thought it desirable to call the attention of the Government to this subject as one of importance; but, in the meanwhile, as Scotland was at present well represented in Parliament—in that House by the noble Duke (the Duke of Argyll), in the other by the Lord Advocate and by the Home Secretary, who, if not a Scotchman, was a Scotch Member—the matter did not press.

THE DUKE OF ARGYLL said, he regretted the absence of his noble Friend the Chairman of the Commission (the Earl of Camperdown) who could have most fitly answered the Question. He (the Duke of Argyll) thought that the result of the inquiry had been to scatter to the winds nine-tenths of the accusations which had been brought against the present administration of Scotch affairs. The dissatisfaction prevailing among at least some Scotch Members had first attracted his notice in connection with the Scotch Education Bill of last Session. Their Lordships would remember the great anxiety—he might almost say unnatural amount of attention—which was bestowed on the clauses of that measure in this House; and he excited some surprise and, he feared, some indignation of noble Lords opposite by stating that those clauses were immaterial, and that almost any way in which four or five sensible Scotchmen could be brought together to superintend the education of the country would answer the purpose. During the discussion on the Bill he had remarked that certain Members of the House of Commons manifested dissatisfaction with the conduct ot Scotch affairs, dwelling especially on the inefficiency, expensiveness, and irresponsibility of all Boards. He had not himself looked closely into the administration of these Boards; but, while thinking this dead run against the very name of a Board rather irrational, he was not able from full knowledge of the working of the system to rebut those complaints. In consequence of these allegations the Government referred the subject to a Commission, which was presided over by his noble Friend Lord Camperdown, who conducted the inquiry with great ability, and, he thought, with very great success. He subjected the complaining Members to a rigid cross-examination, and it was found that there existed no foundation whatever for their complaints. It was shown that the various branches of Scotch administration contrasted favourably with those of England and Ireland. Under these circumstances, the Government had little to do but to let well alone. Lord Advocates might not always, owing to their private practice, be as accessible to Scotch Members as might be wished; but this did not render it necessary to appoint a Chief Secretary for Scotland similar to the Chief Secretary for Ireland. The legislative business of that country was very small, and most of the Bills were more or less connected with legal administration, in framing which the Law Officers of the Crown had necessarily to be consulted. When questions of general policy arose, such as education—although his learned Friend Lord Moncreiff, giving his great ability, and long, and, he might say, devoted, attention to the subject, took a very prominent part in framing the Education Bill—there was no necessity for measures of that kind to be entrusted to any new officer, as any Members of the Government connected with the country naturally directed attention to them. A Chief Secretary would not have enough proper business to occupy his time, and he would be likely to fill it up by meddling with things which he had better leave alone. His noble Friend had made a suggestion that evening well deserving consideration; and it had also been suggested that the Scotch Lord of the Treasury should have special charge of Scotch business in the House of Commons. These, however, were questions of arrangement which could easily be adjusted. His answer to his noble Friend's Question was, that the Government did not contemplate any serious change. One or two minor recommendations of the Commission, supposed to tend to economy, it had already been found impossible to carry out. It had, for instance, given a kind of half opinion that one Lunacy Commissioner would be sufficient; but the Government, after full consideration, had found it essential to fill up a vacancy which recently occurred in that Board, in order to avoid throwing undue labour and responsibility on Sir James Coxe, a most able, energetic, and conscientious man, whose time was already fully occupied. The duties of his own Department had prevented him (the Duke of Argyll) looking into the details of the matter; but he could assure his noble Friend that no serious change was contemplated.

SINGAPORE—JUDICIAL INDEPENDENCE.—PETITION.

EARL GREY:* My Lords, the Petition which I have to present is well entitled to your Lordships' attention, both on account of the persons by whom it is signed and of the subject to which it relates. It is signed by a very large proportion of the principal inhabitants of Singapore of all classes, landowners, merchants, and others, and its object is to complain of a change in the tenure by which the Judges hold their offices since the Colony has come under the direct administration of the Crown by which it is said that their independence has been seriously impaired. Now, it is certainly of the utmost importance not only that justice should be fairly administered in our Colonies, but also that there should be perfect confidence in the independence of the Judges to whom its administration is entrusted, and I am afraid that this Petition, and the information supplied to me by those who have placed it in my hands, clearly show that at this moment no such confidence exists among the inhabitants of the Straits Settlements. But though this is greatly to be regretted, I observe with satisfaction that no complaint of any specific evil that has actually arisen is to be found either in the Petition or in any of the documents by which it is supported. It is not represented to me that the Judges have been unduly influenced in any of their decisions by the Executive Government, that any abuse has yet occurred, or that any want of proper independence has been shown in the conduct of the Chief Justice. I do not observe any complaint of this sort; but what is complained of is, that principles have been asserted and rules laid down which threaten the independence of the Judges, and may lead to evil hereafter. Much alarm of this kind undoubtedly prevails; but it appears to me to have been caused not by anything really faulty in the existing arrangement as to the tenure of office by the Judges, but by a misapprehension on the part of the inhabitants, produced by what I must regard as very indiscreet expressions used by the Governor in a despatch that has been published. I come to this conclusion, because I find that the people of Singapore do not complain of the Judges being removable by the Secretary of State, since a similar power existed when Singapore was under the Indian Government; but what they feel to be a grievance, is that the Governor should have the power of suspending a Judge from his office. Now, if the Governor were invested with an arbitrary power of suspending a Judge at his own pleasure and discretion, I should entirely agree with the petitioners as to the great abuses to which it might lead; but this is not the case. The petitioners overlook the fact that, according to the established practice of our Colonial Service, the Governor is not at liberty to suspend a Judge, except for grave misconduct, and misconduct of such a character that serious public inconvenience would arise from allowing him to continue in the discharge of his duty during the time required for a reference to the Secretary of State. This is the rule that used to be enforced, and I believe that this rule remains unchanged. Nor is this all. When a Judge is suspended by a Governor, the suspension ought never to be confirmed without an inquiry. When I had the honour of holding the seals of the Colonial Department, it was once or twice my painful duty to have to decide on the removal of a Judge, but I never took that step until the charge against the Judge had undergone a careful examination by a Committee of the Privy Council, to which men of high professional eminence were summoned, and before which the Judge had an opportunity of being heard by counsel in his defence. Without such an inquiry no Judge was removed, and it was perfectly well understood that if a Governor suspended a Judge, and subsequent inquiry showed the suspension to have been on insufficient grounds—still more, if it appeared that the Governor had acted from any improper motive, or from a tyrannical disposition—it was not the removal of the Judge, but the recall of the Governor that would follow. A Governor, therefore, exercises the power of suspension under the gravest responsibility, and with the full knowledge of the results which will follow from its abuse. I believe that the origin of this power—which is a very old one in our Colonial practice—was this. In former times, when communication between England and our distant Colonies was much more difficult than at present, more than one case arose in which that disposition to quarrel—which I fear distinguishes small societies) led to disputes between Governors and Judges, and produced a state of things in some instances perfectly intolerable. Communication with the Government at home being slow and uncertain, it was necessary to avert such inconvenience by vesting in the Governor the power of suspending the Judges as well as the other officers of his Government. In the present state of the world, and with the present facilities for communication, such a power is less necessary than it was. But if the necessity for it is less, so also is there less danger of its being abused, because a reference to the Secretary of State can now be so promptly made, that I do not think any Governor would venture rashly to suspend a Judge on insufficient grounds. Let me add that no honest error of judgment on the Bench would ever for a moment be considered a sufficient cause for the suspension of a Judge. Such an error of judgment affords matter for an appeal to the Judicial Committee of the Privy Council—not a ground for suspending a Judge. Conduct that would warrant his suspension must be conduct of a nature to interfere with the public service; and I believe it has always been perfectly well understood that the Governor has not the slightest right to endeavour to influence the Judge in the performance of his judicial duties. That principle I hold to be a cardinal one, and I trust the noble Earl (Earl Granville) will assure me that this is his opinion also. If these rules are acted upon, there can be no real danger to the independence of the Judges, and I think, my Lords, that the apprehension which exists in Singapore has been mainly caused by what I have called an indiscreet expression of the present Governor of the Straits Settlements, who has said, in a despatch that has been published, that the Judges are liable to the control of the Executive, just like other members of the public service. This I hold to be a mistake. It may be necessary in carrying on the government of a Colony for the Governor to suspend a person holding the office of Colonial Secretary, or some similar office, for mere inefficiency and inability to discharge his duties properly, because, otherwise, such difficulties might arise that the public business would come to a dead-lock; but he is not entitled to take this course with respect to a Judge merely because he thinks his judgments have been wrong. There is, as I have said, another mode of bringing wrong judgments under review. The alarm of the inhabitants of Singapore has been increased by another circumstance. The passage in the Governor's despatch to which I have taken objection has been coupled with another despatch addressed by the late Secretary of State for the Colonies (the Duke of Buckingham), in which he lays down the rule that the official members of the Legislative Council are bound to support the Governor by their votes. So far as regards persons holding offices connected with the Executive Government, this rule is, I think, proper and necessary. It would lead to absolute anarchy, and would render it impossible for the government of the Colonies to be carried on, if the Governor could not reckon on being supported in his measures by his subordinate officers. They are at liberty to lay their opinions fully and freely before him, and state to him the objections they may see to any of his measures; but in the last resort he must decide, and it is a wholesome and necessary rule in a Colonial Government that its members must support the Governor. But I cannot think that the Duke of Buckingham meant to apply this rule to the Judges. A Judge stands in a very different position to the members of the Executive Government, and I do not see any difficulty or inconvenience in his being left at liberty, honestly and fairly, to give his vote in opposition to the Governor. Of course, his power must be exercised honestly, and it would be cause for complaint if he should systematically place himself in opposition to the Government. My Lords, I am afraid that those who put this Petition into my hands will hardly be satisfied that I do not go more entirely with them in their complaint. At the same time, when they placed it in my hands, I told them how far I could go. I told them that I should state my opinion as to how far I considered that their grievance could be removed. Allow me to add that I do think there is a degree of apprehension existing in Singapore which it is very desirable my noble Friend should take measures to remove. I hope that in the answer he will make to me this evening he will state his concurrence in the view I have taken—namely, that a Judge ought not to be disturbed in the possession of his office, except for some grave misconduct and after adequate inquiry. If he does so, I am hopeful that his explanation will go far to remove the existing apprehension. But I also trust he will go farther, and inform me that a despatch will be published in Singapore for the satisfaction of the public, and in which he will lay down, in such clear terms as cannot be misunderstood, what the rules are which regulate the conduct of the Government at home in these matters. My Lords, I will only add one word more. I believe that in these cases of dispute, which, in 99 cases out of 100, are of a personal character, there is some fault on both sides; and what is really wanted is, temper and a sincere desire to promote the public service. I believe that when these qualities exist, and when there is a good selection of men on whom high office in the Colonies is conferred, these difficulties do not arise. I believe, moreover, that for legal offices in our smaller Colonies, it is most desirable that men should be selected not from the narrow circle of the Colonial Bar, divided as that often is by party spirit and personal animosity, but from the larger and wider sphere of the English Bar, where men of honour, high character, and ability, may be obtained for service in the Colonies. No doubt appointments from the English Bar would involve adequate salaries, because men such as are wanted would not sacrifice their prospects at home without sufficient consideration; but, if I am not mistaken, the colonists would be ready to pay adequate salaries if good appointments were made. This is a matter to which I trust the attention of my noble Friend will be directed, and that it will not be lost sight of in any appointments that he has to make. My Lords, I beg to present the Petition of which I gave Notice.

The noble Earl then *presented* a Petition of landowners, merchants, and other inhabitants of Singapore, praying for greater security for judicial independence.

EARL GRANVILLE: My Lords, I am extremely obliged to the noble Earl (Earl Grey) for having brought forward this subject, for reasons which I will state later. I have paid the greatest possible attention to every word he has said, and I believe I perfectly agree in every opinion he has expressed. My Lords, there are two points raised by my noble Friend. In the Petition, a copy of which was sent to me, only one of these is referred to—it is a protest against the unconstitutional power given to the Governor to remove or suspend a Judge upon his own responsibility. The noble Earl has raised another point, which has regard to the position which a Chief Justice or Judge ought to hold in the Legislative Council. I entirely agree in the principle the noble Earl has laid down. I think it absolutely impossible for a Government to be carried on if the Members of the Executive were allowed to vote in opposition to the Governor. It is obvious that if that were permitted anarchy and confusion would result. I also agree with the exceptions stated by the noble Earl. The Judges are in a different position from the mere Executive, however distinguished they may be; for I quite agree that more freedom must be allowed to the Judges, partly because they are not connected with Executive office, and partly because they must have the greatest possible independence in their judicial functions. Yet it would be most unbecoming in a Judge or Chief Justice if they were found leading an Opposition, or committing themselves to anything like factious opposition with regard to the Government to be carried on; and I think it would not be creditable either to the Governor or the Chief Justice, although some difference of opinion may arise between them, if they did not avoid the scandal of very decided opposition. With regard to the other question—the irresponsibility of Judges—I thought it, both in principle and practice, so important that, desiring to strengthen, in every possible way, my position on this subject, I directed a Memorandum to be prepared, stating the facts and the arguments on both sides, which was transmitted to my noble Friend the Lord President of the Council, and I requested him to gather the opinion of those members of the Judicial Committee who had great experience in matters of this sort, and transmit their opinion to me. The result was, that the Registrar of the Council drew up a very interesting Memorandum on the subject, some passages of which I should like to read to your Lordships, and the whole of which I shall lay on the Table as well worthy the attention of my noble Friend—and, indeed, of all who take an interest in the subject. The pith of it is this, that it is the opinion of the Judicial Committee that some effectual means must exist for removing Colonial Judges who are guilty of grave misconduct. It is impossible to adopt as cumbrous a method as is adopted in cases of Judges at home; at the same time, it is necessary that they should have a hearing before a perfectly impartial tribunal. The Memorandum shows that it is the almost universal rule, both in the case of removals and suspensions, that there is a hearing before the Privy Council. In the case of removal of a Judge under Burke's Act it is necessary that the case should be brought, of absolute right, before the Privy Council. And so in cases of suspension, as my noble Friend says, in later times — except when the Privy Council refuses to hear, because no appeal is made by the person so suspended —they usually recommend that the matter be referred either to the General Council of the Committee or the Judicial Committee; and it is usually thought by the Lords of the Council, when the Judicial Committee meet on questions of this sort, that the President of the Council and the Colonial Secretary should attend the meetings of the Committee. The Memorandum goes on to state that when the charges are brought against a Judge at the instance of the Legislative Assembly, before the Privy Council, the aspect of affairs is somewhat changed, because, instead of the Judicial Committee acting as a Court of appeal, it is obliged to take on itself something of the character of a Court of primary jurisdiction. The difficulty of procedure, the difficulty as to evidence, the difficulty of getting the issues clearly put, whether with regard to law or fact, in all these casess is found most onerous to the plaintiff, and much less satisfactory to the Lords of the Council. But the Memorandum goes on to state — as my noble Friend put it, with perfect truth — when a Governor of his own accord suspends a Judge, he takes a step of the gravest responsibility. He is obliged to bring a specific charge, and the Judge is entitled to give a full answer. It is the interest of the Governor to bring the matter forward with all the evidence in the clearest manner for his own defence. In point of fact, the Governor is placed almost equally on his trial with the Judge whom he has removed. The opinion of the Privy Council is in favour of that course. If your Lordships will permit me, I will read the last two paragraphs from the Memorandum. I am exceedingly anxious to give full explanations, not only to your Lordships, but also to the petitioners on this subject, and I think it will have a very good effect in the Colonies, when it is known that this is not a mere opinion of the Privy Council, but that it has the authority not only of my noble Friend the noble Earl, but also of those Judges who have the greatest experience in these matters, who entirely approve the system adopted. The Memorandum concludes by stating—

> "The experience of the Lords of the Council, therefore, strongly corroborates the arguments stated in Sir F. Rogers' paper in favour of proceedings by the Governor, subject to a review by the Secretary of State or the Privy Council in England; and they have invariably found that in the cases in which proceedings have originated with the local assemblies, the delay, uncertainty, and expense have been greatly augmented.
>
> "At the same time, when the misconduct charged is purely judicial, and therefore not properly amenable to the decision of the Executive authority, acting on the advice of law officers or advisers of inferior rank, it would seem that the due maintenance of the independence of Judges requires that judicial acts should only be brought into question before some tribunal of weight and wisdom enough to pronounce definitively upon them; and this function appertains with peculiar fitness to the Privy Council, which, as a Court of Appeal, has to review the decisions of all the Colonial Courts."

That opinion, I apprehend, is perfectly in accordance with the wishes and desires of the petitioners. There is also an important Minute of my noble and learned Friend (Lord Chelmsford); but it is rather long, and therefore I do not read it at length; but I am glad of the opportunity of stating, in general terms, that it is consistent with the views expressed by the noble Earl. The opinion of Dr. Lushington on the matter is given in very brief terms, and I think I may trespass on your Lordships' time by reading what he says. Dr. Lushington states—

> "I entertain no doubt in my own mind that the most efficacious means of proceeding, and productive of the least evil consequences, is that the Governors of the Colonies respectively should be intrusted with the power of investigating any alleged charges against the Judges, and, if in their opinion need be, of suspending them; of course, all the proceedings, and the evidence upon which they act, should be remitted without delay to the Colonial Office, and, if need be, Her Majesty will be advised to remit the case to the consideration

of the Privy Council. I apprehend that the Judicial Committee has no peculiar claim to take cognizance of such a case. I think that the propriety of the Colonial Governor being invested with this power, great as it is, would be more apparent if contrasted with any other mode of proceeding than that suggested."

My Lords, being thus strengthened by these authorities, I am exceedingly glad that the subject has been brought before the House, as the discussion may prove satisfactory to those who thought themselves aggrieved by the results which have followed the placing of the Settlement under the control of the Colonial Office. With respect to the importance of selecting the best men not only for judicial employments, but for all other employments in the Colonies, that is a subject not at all new to me; and, in the situation I occupy, I feel that there is no one thing in respect to which I can be more useful than in attempting to select both for judicial and civil offices the very best men that can be obtained; and in overcoming the difficulties—which I own are not small, in respect of recommendations of persons who sometimes do not turn out so well, or do not entirely fulfil the character which zealous friends have given them.

Petition *ordered* to lie on the Table.

POOR RELIEF (METROPOLIS) BILL.

(NO. 97.) SECOND READING.

(The Lord Privy Seal.)

Order of the Day for the Second Reading, read.

THE EARL OF KIMBERLEY, in moving that the Bill be now read the second time, said, that in 1867 a Bill was passed under the auspices of Mr. Hardy, who was then at the head of the Poor Law Department, the object of which was to produce a degree of equalization of rates in respect to the poor in the metropolis by placing certain charges on the Common Fund; and by the present Bill it was proposed to extend that principle still further. Before explaining the details of the Bill, he would state the result of the Act, known as Mr. Hardy's Act. The result of that Act was to put the cost of lunatics, education of children in district schools, fever hospitals, medicines, and drugs, and a large sum for the salaries of officers, and other items of expenditure on the Common Fund. The measure had now been in operation for three half years. For the first half-year the sum charged to the Common Fund for these purposes was £130,000; for the second half-year, £170,000, and for the last half-year the charge had increased to £200,000—an increase partly to be explained by the fact that at first the Act was not brought fully into operation. The various items might be shortly stated. For the year ending Lady Day, 1869, the maintenance of lunatics cost £160,000; the medicines and surgical appliances, £9,000; the salaries of officers, £103,000; the children in district schools, £91,000; the expenditure under the Houseless Poor Act was £12,000; and registration and vaccination fees amounted to £15,000. The consequence of the operation of the Act had been, besides the equalization of the rates, that children formerly maintained in the workhouses, where their education could not be attended to in the most desirable way, had to a great extent been removed to district schools. This was an object which Parliament had long desired to attain, but it was not effected in any satisfactory degree, until by Mr. Hardy's Act an inducement was held out to the local administrators of the Poor Law in the metropolis to erect district schools, whereby they obtained a contribution from the Common Fund. Another result of the Act had been an increase—and a desirable increase—in the salaries of the officers. Various parishes had previously felt great reluctance to increase the salaries of the medical and relieving officers, even when such increase was required for the proper administration of the Poor Law; but now, when proper salaries were provided, the actual effect had been to decrease the expense of the administration of the law. The present Bill extended still further the principle of placing certain charges on the Common Fund. Owing to the construction of railways, and the changes brought about in the habits of the richer classes in the metropolis, the burden of the poor rate was not so equally distributed as formerly. The City of London was now almost exclusively occupied by warehouses and places of business, and by a very small number of dwelling-houses, so that a small number of persons only remained in the City during the night; the labouring men who worked there during the day slept in Bethnal Green and other distant places, and obtained relief there when sick or out of work. But the poorer classes in those outer parishes formed part of the same population just as much as if they resided in the same Union, and it seemed fair to throw the rate over the whole district so as to produce a more equal distribution of the burden. On the other hand, he should be sorry to see a complete equalization of the rate, as that would take away from the different local authorities a strong incitement to local management and the exercise of economy. Therefore in this matter he desired that steps should be taken cautiously, and that he thought was done by the present Bill. The proposal was that a certain proportion of the expense of the maintenance of in-door paupers should be thrown on the Common Fund, the amount to be repaid to the local Guardians out of that fund to be limited to 5*d.* a day for each pauper. The total expenditure for the in-maintenance of the adult poor in workhouses—excluding lunatics and vagrants—was estimated to have been, during the year ended in Lady Day, 1869, £285,000. Taking £285,000 as the total cost of in-maintenance, under the clause of the Bill which provided that 2*s.* 11*d.* should be paid in respect of each pauper out of the Common Fund, the total charge on the Common Fund would be £170,000, and the charge upon the individual parishes would be £115,000. In round figures the result would be that about two thirds of the charge would be borne by the Common Fund and about one-third by the parishes. The aggregate sum at which the metropolis was rated yearly to the relief of the poor was £1,400,000; and of this £400,000 was now chargeable on the Common Fund under Mr. Hardy's Act; an additional sum of £170,000 would be so charged under this Bill. The result would be that under that Act and this Bill rather less than half the total charge would be thrown upon the Common Fund, and the remainder of the charge would be borne by the separate local funds, as at present. It might be objected that the Bill introduced a principle applicable to all England, and which would lead to a consolidated national rate. On behalf of himself and the present Poor Law Board, he wished to say it was not intended that this Bill should lead to any result so greatly to be deplored—rather than that should happen they would forego the advantages to be derived from the operation of the Bill. One subsidiary advantage of the proposal was that Guardians would be encouraged so to administer relief as not to bring the poor into the workhouses—because the accommodation would be limited, as it was provided that each workhouse should be certified in respect of the number it would accommodate, and if that number were exceeded no claim on the Common Fund could be entertained. That would give the Poor Law Board a control over the numbers to be housed in each building, and, at the same time, the arrangement would deprive parishes of the inducement to build workhouses in order to put the poor in them. The total average cost of each pauper in the metropolitan workhouses was nearly 4*s.* 10*d.* a week, and the total charge that would be thrown on the Common Fund was 2*s.* 11*d.* a week. There was, therefore, left a considerable margin within which Guardians might save by good management, or lose by bad management. Another important provision under the Bill was the power given to the Poor Law Beard to enforce its requirements on any refractory Union by withdrawing the contribution upon the Common Fund, instead of, as at present, having to resort to the cumbrous remedy of a *mandamus.* An analogous power was possessed by the Home Office in reference to the management of prisons—if its requirements were not complied with, the contributions from the Consolidated Fund could be withheld. He trusted the Bill would receive the favourable consideration of the House.

Moved, "That the Bill be now read 2ª."—(*The Lord Privy Seal.*)

The Duke of RICHMOND concurred generally in what had been said by the noble Earl. When he (the Duke of Richmond) was at the Poor Law Board very great complaint was made that parishes which benefited by the labour of the poor who did not live in them escaped the burden of their relief. This Bill would do something to remedy that state of things by, to some extent, equalizing the rates over the whole metropolis. He was glad to hear the noble Earl say that he thought the Bill went far enough in the direction of equalization and centralization, for equalization would be a dangerous principle to carry out over the whole country. He thought that 5*d.* a day was rather a large sum to be repaid in respect of the maintenance of a pauper in a workhouse or asylum. He did not know whether their Lordships had power to change the figure, but he would suggest to the Government the propriety of considering whether the sum might not be reduced to 4*d.* in "another place." Altogether he was satisfied with the Bill.

THE EARL OF DEVON hailed the Bill with great satisfaction, considering it to be founded on the best principle, and calculated to lead to approximate equalization of rates and their just and economical administration. He had always desired an approximation to equality in the rating of the metropolis, and therefore he would give the Bill his cordial support.

LORD REDESDALE said, that at first sight the object of the Bill seemed to be extended centralization in the system of Poor Law relief. From his own experience in connection with a country Board of Guardians he could say that the system of common Union rating had had the most prejudicial effects in most of the rural districts. It had taken away from the inhabitants all interest in their own poor, and had thus thrown upon the rates a number of persons who used to be employed. He admitted that in the metropolis the same reasons did not apply, for in the metropolitan parishes people did not know their own poor; but in the counties the breaking down of the parochial system had had a most prejudicial effect.

THE EARL OF KIMBERLEY expressed his satisfaction that the principles of the Bill should have been approved of by two noble Lords of such experience in the administration of the Poor Law. As to the limit of 5*d.* to which some exception had been taken by the noble Duke (the Duke of Richmond), it stood at 6*d.* in the Bill as originally framed; but that being thought too high it was reduced to 5*d.* At 5*d.* the amount cast upon the common fund would be £170,000, at 4*d.* it would be £135,000; but as the point had been carefully considered he could hold out no hope that the suggested reduction to 4*d.* would be made. As to the objection that the Bill was an approach towards a general system of centralization in the administration of the Poor Law relief, he could assure the noble Lord (Lord Redesdale) that not only the Government did not wish to commence such a system, but were entirely opposed to it. He could only oppose the experience of the noble Lord as to the injurious effect of Union rating by his own; for as Chairman of a Board of Guardians, he had observed no falling off in the attentions paid to the poor. Things remained in that respect much as they were.

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Monday* next.

NEW PARISHES ACTS AMENDMENT (1870) BILL [H.L.]

A Bill to amend the New Parish Acts and Church Building Acts—Was *presented* by The Lord Bishop of WINCHESTER; read 1^a. (No. 108.)

House adjourned at Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 20th May, 1870.

MINUTES.] — NEW MEMBER SWORN — George Eins Browne, esquire, *for* Mayo.

SELECT COMMITTEE — Steam Boiler Explosions, *nominated;* Conventual and Monastic Institutions, The O'Conor Don *discharged,* Mr. O'Reilly *added.*

PUBLIC BILLS—*Ordered—First Reading*—Metropolitan Board of Works Loans (Stamp Duty)* [132]; Wages Attachment Abolition* [131]; Public Health (Scotland) Supplemental* [136].

First Reading—Customs and Inland Revenue* [133]; Gun Licences* [134]; Stamp Duties* [135].

Second Reading—Referred to Select Committee—Kensington Road Improvement* [128].

Select Committee—Valuation of Lands and Assessments (Scotland)* [102], Mr. Miller, Mr. Grieve, Mr. Crum-Ewing, Sir Hervey Bruce, Mr. Holms, Colonel Barttelot *added.*

Considered as amended — Pier and Harbour Orders Confirmation* [117].

Third Reading—Wine and Beerhouse Act (1869) Amendment* [124], and *passed.*

Bill Withdrawn—Friendly Societies* [14].

NAVY—SALE OF ADMIRALTY STEAMSHIPS.—QUESTION.

MR. GOURLEY said, he would beg to ask the First Lord of the Admiralty, If he is aware that he is disposing of the Admiralty Steamships at a period of depression in the value of shipping property, and when it can only be sold at a price much below its actual value; and, if he will state why the Government refused an offer for the vessels which have recently been sold of ten per cent over and above the highest price obtainable by public or private tenders, such offer having been made with a view of giving employment in the breaking up of the ships to the workmen who have been discharged from the Naval Dockyards?

Mr. BAXTER: Sir, the first part of the Question of the hon. Gentleman appears to be founded upon a complete misconception of the character of the ships that have been recently sold. They are not adapted for mercantile purposes, and, with one or two exceptions, were disposed of for the value of the materials of which they were composed. So far from the actual value not having been obtained, the House will be glad to learn that all the vessels sold on the 13th and 14th of May brought considerably more than the joint valuations placed upon them by the professional officers of the Admiralty and by Messrs. Bayley and Ridley, the well-known auctioneers who had charge of the sale. It is notorious that the ships have been bringing excellent prices, and I think that the hon. Gentleman is very unfortunate in his information. The offer referred to in the second part of the Question is likewise inaccurately stated. It was not for "the vessels which have been recently sold," nor did it make any reference to "private tenders," but was confined to two ships, and was declined on the ground that it was not advisable that a private firm should have the use of portions of the Royal Dockyards for their work. I may mention that one of the ships in question was the *Cæsar*, the highest offer for which at the public sale was £8,300. She was afterwards sold by private bargain for £9,000, being only £130 less than would have been obtained under an arrangement that would have involved not only delay, but the loan of a dock to a private firm. It appears to me extremely desirable that all the vessels not required for the public service should be disposed of as speedily as possible, as the cost of maintaining them is very great. I may add that the offer referred to by the hon. Gentleman, although refused, has been of great service, and we feel much obliged to the firm who made it, for it has stimulated competition and raised the selling prices of the ships.

NAVY—ALLEGED MONOPOLY OF FREIGHT.—QUESTION.

Mr. GOURLEY, after observing that in his previous Question he had said nothing about mercantile ships, asked the First Lord of the Admiralty, If he will state why and on what terms Messrs. Hogg and Robinson, the woolbag agents of Messrs. Baxter Brothers, have been favoured with the monopoly of engaging freight for the Admiralty.

Mr. CHILDERS said: I think, considering that this subject is to be discussed with Vote 17 of the Navy Estimates, on the Motion of which my hon. Friend the Member for Hull (Mr. Norwood) gave Notice some time ago, it is to be regretted the debate should be anticipated by this Question. The hon. Member himself is also apparently of that opinion, as he suggested to me yesterday that he should postpone it. But as the Question involves an insinuation against my hon. Colleague the Secretary of the Admiralty it should be answered at once, and I will now answer it. Soon after we came into Office we had occasion to consider the question of the arrangements under which ships are taken up and freight obtained by the Admiralty, and we were of opinion—and to some extent the efficient head of the Transport Department agreed with us—that it might be greatly reformed. The Department had not the advantage of any commercial assistance in the matter; many of the forms were unsuitable; tenders were called for, and even advertisements issued for small shipments; unnecessary surveys were made; and in many other respects the arrangements could be made more businesslike. With the assistance of my hon. Friend and my noble Friend the Member for Ripon, we revised the system, and among other changes we arranged that the Department should be able to consult an eminent house in the City, not themselves interested as shipowners, who would secure directly freight of smaller shipments, and advise us as to larger matters, including the chartering of ships. This change has been made, and I am able to say works perfectly well. I now come to the personal Question, and I have to say that, in the first place, Messrs. Baxter, Brothers, & Co. are extensive spinners and manufacturers at Dundee, have no foreign business—or what the Question calls—"woolbag agents," and that my hon. Friend is not a member of that firm. Messrs. Hogg and Robinson have acted as agents for many houses of high character both at Dundee and elsewhere, including that with which my hon. Friend is connected, and while we were considering the best freight arrangements we received much valuable information from them. When we decided to employ shipping agents we asked if they would act for us; but they declined, on the ground that it would involve much trouble, and the commission would not be worth their while; and they recommended another and a less known house. But I considered it essential for the public service that our agents should be well known and highly recommended, and I pressed them almost as a favour to act for us. For this I personally, and not my hon. Friend, am responsible, and I take that responsibility without the least hesitation. The rate of commission is 1*s.* 3*d.* per ton shipped through their agency.

CURRENCY OF CEYLON.—QUESTION.

MR. MUNDELLA said, he wished to ask the Secretary to the Treasury, Whether the Report of a Commission appointed September 24, 1869, by Sir Hercules Robinson, the Governor of Ceylon, to consider the necessity or desirability of a change in the denomination of the Public Accounts, has been received and considered by the Board of Treasury; whether, upon that Report, out of the ten Commissioners appointed, three did not report against the necessity or desirability of any change, three in favour of a change proposed by Sir Hercules Robinson, and four in favour of a change founded upon the decimal system; whether a Memorial praying that no change be made in the denomination of the Currency of Ceylon, signed by the Chairman of the Chamber of Commerce at Colombo, on behalf of the Chamber, by the Managers of two out of the three Banks established in Colombo, and by 530 of the principal merchants and traders, European and Native, in the Colony, has been received and considered by the Board of Treasury; and, whether, upon the Report of the Commission, and against the prayer of the Memorial, any, and if so, what change in the denomination of the Currency of Ceylon is contemplated by the Government?

MR. STANSFELD stated, in reply, that the Report of a Commission appointed by Sir Hercules Robinson to consider the necessity or desirability of a change in the denomination of the public accounts, had been received and considered by the Board of Treasury. It was perfectly true that three out of the 10 Commissioners expressed their dissent from the Resolution declaring the necessity of a change; the remainder, however, approved the change. Of the 10, four also approved the suggestion that there should be a decimal subdivision of the Ceylon coinage. That representation would have been formally considered, if it had been thought that the proper time for its consideration had arrived. It was true that the proposed change had been memorialized against by some of the Chambers of Commerce and merchants; but the arguments they employed were far from convincing.

NEW ZEALAND LOAN.—QUESTION.

MR. SALT said, he wished to ask the Secretary to the Treasury, Whether it is intended to raise, under an Imperial guarantee, the sum of £1,000,000, for the purposes of the Colony of New Zealand; and, whether in such case a sufficient Sinking Fund will be established, so that within a reasonable period the guarantee may lapse?

MR. STANSFELD replied, that it was intended to raise, under an Imperial guarantee, the sum of £1,000,000 for the purposes of the Colony of New Zealand. As to whether "a sufficient Sinking Fund will be established, so that within a reasonable period the guarantee may lapse," he had no doubt that arrangements based upon the principle of the Sinking Fund would ultimately be arrived at.

MAILS TO INDIA, *viâ* BRINDISI.
QUESTION.

MR. STACPOOLE said, he would beg to ask the Postmaster General, Whether any arrangement has been come to by the Post Office Department for the carriage of English Mails to India, viâ Brindisi, and with what Company, if any, such arrangement has been made?

The Marquess of HARTINGTON replied, that since October last mails had been despatched weekly to India, China, and other countries *viâ* Brindisi, and that mails had been also received weekly by that route. The mails were sent through France and delivered to the Italian Post Office, which provided for their conveyance through Italy and from Brindisi to Alexandria.

CRIMINAL LAW—CASE OF BRITTAN, COMMITTED AT TROWBRIDGE.

QUESTION.

Sir HENRY HOARE said, he would beg to ask the Secretary of State for the Home Department, Whether it is the fact, as stated in the "Somerset County Herald," that he has received a Memorial from the Magistrates of Trowbridge, stating that a man named Brittan is at this time in prison for stealing two ducks, the offence having since his conviction been proved to have been committed by two other men, and for which they have been tried and convicted; and, whether it is true that he has declined to sanction Brittan's release?

Mr. BRUCE: Yes, Sir, it is quite true. After full consideration of the circumstances I have come to the conclusion that all three had been engaged in the business. I suppose my hon. Friend will not dispute the possibility of three men having been engaged in stealing two ducks.

HUDSON'S BAY COMPANY.

PERSONAL EXPLANATION.

Viscount MILTON: Mr. Speaker—Sir, permit me to give an explanation in reference to my conduct yesterday as a Member of this House, since my attention has been directed to observations of a personal character, which have appeared in one of the morning journals in consequence of my having abruptly left my place yesterday. Freedom of debate upon all questions relating to the liberty of the subject and rights of the Sovereignty, with access to the person of the Sovereign, including, I believe, Her Majesty's responsible Ministers, is what you, Mr. Speaker, claimed on behalf of each Member of the House of Commons at the assembling of this present Parliament, in "another place." With respect to my public conduct in having left this House, simply because a responsible Member of Her Majesty's Government virtually declined, by not rising in his place, although present in this House, to answer questions deeply affecting Sovereign territorial rights which, on Her Majesty's accession—if not before—were duly vested in this and the other House of Parliament, I, therefore, now claim to offer the following explanation:—Having learnt, from what I believe to be undoubted authority, that the Canadian Parliament were, or are, proceeding to legislate upon a portion of British territory over which neither the Canadian Government or the Hudson's Bay Company, either in right of their expired charter, or yet of any licence from the Crown granted under and pursuant to any Act of Parliament, had the slightest legislative authority in reference to Sovereign rights of territory so vested in this and the other House—I therefore felt it incumbent upon me to address the inquiries which I yesterday made to a responsible Minister of Her Majesty's Government; and as he declined to give any answer to these Questions, I deemed it to be a duty which I owed to this House to leave my place as I did; and, in so doing, I was afterwards informed by one of the oldest of our Members, as also of Her Majesty's Privy Council, that I was perfectly justified in the course which I then adopted. I shall, therefore, now proceed to renew the Questions addressed to the Chancellor of the Exchequer, which I have placed upon the Notice Paper. I wish to ask the Chancellor of the Exchequer, Whether he has any objection to lay upon the Table of the House a Statement disclosing the amount paid to the Crown by the Hudson's Bay Company under the statute of 4th William and Mary, chapter 15, in respect of Rupert's Land, and when such payments ceased to be made; and also the amount of rent received under Licences granted in and pursuant to the Act 1 and 2 George IV., chapter 66, for the purpose of enabling such Company to trade in the Saskatchwan and Red River Territories; and, whether he has instructed the Solicitor of the Treasury on behalf of the Crown to inquire into and collect all arrears of rents and fines that may be due; and, if not, why not?

The CHANCELLOR of the EXCHEQUER said: For the sake of regularity I must take notice of the fact that this

Question, which the noble Lord calls a renewal, varies in some of its expressions from the Questions he put yesterday. Had it not been so, I apprehend —

VISCOUNT MILTON: Mr. Speaker said he would not have taken it if it had not been varied.

THE CHANCELLOR OF THE EXCHEQUER: I apprehend there would have been some technical difficulty in the way of its being put; but, at all events, the question is varied. However, I am quite ready to give the noble Lord what satisfaction I possibly can. I can assure the noble Lord that there was no discourtesy whatever meant towards him by my not answering his Question yesterday. The truth is, that my right hon. Friend the Secretary to the Treasury (Mr. Stansfeld) was so kind as to look up this rather abstruse point for me, and I thought it would be more satisfactory to the House, as well as to the noble Lord, that he should have the information at first hand from my right hon. Friend, rather than second hand from me. I can assure him that nothing was further from my intention than to treat him with any kind of disrespect. Perhaps I might make some objection to answering the Question now; but I am anxious to set the noble Lord a good example, which I hope he will profit by in future; and I will give him the best explanation in my power. As to the first Question, the fact is that under the Act of William and Mary a tax of £5 per share was imposed on the Hudson's Bay Company for the prosecution of the wars between King William III. and the King of France; and in the case of non-payment it was declared that the charter would be forfeited. We cannot find any trace of any such payments; but the Treasury accounts of that period, as I have ascertained, were so made up that, even if they now existed, these items would have been so mixed up with other matters that it would have been impossible to disentangle them at this distance of time. There is, however, a strong presumption that the money was paid, because the forfeiture never has been taken advantage of. That is all the information I can give upon that subject, and therefore there is no necessity for laying any Papers upon the Table. As an answer to the second part of the noble Lord's Question, I have to state that, under the statute of George IV., licences were granted to the company in 1821, and renewed, I believe, in 1838, giving an exclusive right to trade with the Indians. For the first four years of the latter licence no rent was payable, and for the remainder of the time 5*s.* was allowed as rent, and that 5*s.* was due and payable for 17 years, from 1842 to 1859, making altogether a sum of £4 5*s.* for the 17 years. I have no evidence that that money has ever been paid. I believe its non-payment might entail the forfeiture of the licence; but, as the licence has not been renewed since 1859, I apprehend the latter consideration is not very important. Then the noble Lord asks me whether I have given any instructions to the Solicitor to the Treasury to proceed for any of those sums, and if not, why not? I have given no such instructions, for the reason that I believe it is very probable that the sums due in the reign of his late Majesty King William III. were duly paid, and collected by the Government, as it was very much in want of money, and not likely to leave anything due long uncollected. But, at all events, to attempt to enforce the rights of the Sovereign after a period of 180 years would be rather straining the matter. Then, as to the licences, it would, I fear, be hardly worth the expense of suing for them; and there is another reason why I should not like to enter into the matter, and that is that by the consent of Parliament the Hudson's Bay Territory is about to be transferred from the Company to the Government of Canada, and I think we could not employ ourselves worse than in embarrassing a great political transaction with obsolete and trivial matters.

VISCOUNT MILTON asked the Secretary to the Board of Trade, Whether the Adventurers trading to Hudson's Bay had ever been registered as a limited liability Company at the office of this Board, in Serjeants' Inn, Fleet Street, or had ever made use of the International Financial Society (Limited), who were prepared to receive subscriptions for the issue at par of capital stock in the so-called Hudson's Bay Company, incorporated by Royal Charter, 1670; and, whether the International Financial Society (Limited) had filed their accounts at Serjeants' Inn or elsewhere from the date mentioned in the said Society's Prospectus in 1863 up to the present time or not?

Mr. SHAW LEFEVRE said, he had ascertained from the noble Lord himself, and he believed his information was correct, that the Hudson's Bay Company had not been registered under the Limited Liability Companies' Act. Of what its relations were to the International Financial Society (Limited) he had no information and no means of ascertaining. He believed the annual accounts of the International Financial Society (Limited) had been issued every year, according to legal requirement.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

NEW NATIONAL GALLERY.

MOTION FOR CORRESPONDENCE.

Mr. BERESFORD HOPE: Sir, I rise, according to Notice, to call attention to the delay which has occurred in proceeding with the building of the new National Gallery. I do not desire to raise a party fight on the question, nor to make a personal attack on any Member of the Government, whether or not his conduct may have been such as to deserve approval or otherwise. My object simply is to obtain, if I can, from those in whose hands the matter lies, some valuable assurance that the important subject which has been before Parliament and the public for not less than 30 years—namely, the erection of a National Gallery such as shall be worthy of this great country, shall be executed within as short a period as may be reasonably possible. About a fortnight ago the Chancellor of the Exchequer held out a very bright hope to us on that subject, and informed us that a considerable portion of land had been purchased behind the present National Gallery, on which he said that sooner or later—and the right hon. Gentleman trusted it would be sooner rather than later—a new National Gallery shall be erected. *Latet anguis in herbâ.* I do not like the word "later" even in this conjunction. Now, I will not go back to the wearisome history of previous discussions in this House upon the site for the new National Gallery—sometimes at Kensington Gore, and sometimes at Kensington Palace. At last the House, sick of the delays that had been interposed in the matter, determined at any price that it would have a new National Gallery, and fixed on the large garden behind Burlington House, where now the Royal Academy and the London University are placed. The choice was excellent, and the Royal Academy would then have naturally inherited the whole building in Trafalgar Square. Unhappily, however, the House thought fit to reverse the scheme on the Motion of my noble Friend the Member for North Leicestershire (Lord John Manners) in 1864. I was not in that Parliament, but I tried to induce the next one in the following Session to reverse the decision. The House was, however, wearied out, and though I was supported by all who had the fullest knowledge of the subject, it stuck to the decision that the Gallery should be situated in Trafalgar Square. A limited competition had been held of eminent architects, and eight or nine gentlemen were named as judges of the designs that might be sent in. Among those judges were the noble Lord the Member for Haddingtonshire (Lord Elcho), the hon. Member for Bath (Sir William Tite), Mr. Boxall, Lord Hardinge, myself, and others. We reported, in effect, that none of the designs submitted to us exactly met the object in view, and that we could not recommend any of them for adoption. However, in our opinion, Mr. Edward Barry's design was the best, and we hinted that the Government would do well to appoint that eminent architect. In the following year, 1868, Mr. Barry was appointed by the noble Lord (Lord John Manners) then First Commissioner of Works. Though the Government have not yet actual and material possession of the ground required for the enlargement of the National Gallery, they have moral possession of it. It is absurd to put off submitting the plan to the House on the ground that the site is not yet obtained. The money is as good as granted, and the site is as good as got. Besides, although the correspondence which was granted to me more than a year since leaves off some months previously, it is currently believed that the architect has prepared a plan and sections, and drawn up a careful Report. The Government ought, therefore, to take immediate steps to rid us of the disgrace of having a National Gallery not suited to the pictures we possess, quite inadequate to our future wants, and unworthy of the character of a civilized, enlightened, and artistic nation. So cramped is the National Gallery, that I believe there is not room in it for a single additional picture that may be given or bequeathed to us. Some little time since I saw in the Director's apartment a very curious and interesting Venetian picture, for which I believe there is no space in the Gallery itself. The papers of the last week inform us that a lady alike to be honoured for her own proficiency in art, and the genius of her husband—Lady Eastlake—has given the Gallery a very valuable painting by Bellini in memory of the late Director, while the large "Raising of Lazarus," by Haydon, a painter who, with all which may be said against him, marks a period in the history of British art, hangs hopelessly in a basement room. The public has also been informed that a large bequest of pictures has turned up in the will of a gentleman lately deceased. There are some things which may be tinkered; but you cannot tinker a National Gallery. The present Government has been criticized for their general economical behaviour. They will give the best possible proof of judicious economy if they show a large balance in hand for great works which the dignity of the country requires to be carried out. The existing Gallery is so full that if additional pictures are to be hung in it, they must be "skied," as the artists term it, in which case the visitor must mount on a ladder to see them, or they must be hung so close to the floor that the student must break his neck in stooping to look at them. Some one has been wild enough to report that official brains have conceived the idea of hanging pictures in the entrance hall of the National Gallery, where they will be exposed to great detriment from soot and other dirt swept in by southerly winds. I hope the Chancellor of the Exchequer will express the indignation which he must feel at such a slanderous rumour. Another story, quite as absurd, attributes to some unknown person the notion of building a huge glass house, like an exaggerated photographer's studio, upon the roof of the Gallery. No man but he who would have thought of using the Hall for pictures, can, I venture to say, have dreamed of such a second absurdity. But I now come to what is perhaps the most serious reason for urging the construction of, at all events, a section of the new building. The public generally suppose that the National Gallery is fire-proof. This is an absolute mistake. The floors of the half of the existing building originally allotted to the National Gallery are what is called—though that is more than doubtful—fire-proof, but those of the portion that has until recently been occupied by the Royal Academy have not even this recommendation; while the wooden roof which ranges over the whole building is impartially dangerous and combustible in its first construction, and from having been baked in the sun for 40 years it is now mere touchwood. The consequence of this state of things is that the pictorial treasures of the nation may be entirely destroyed in a few minutes. The danger is enormously increased by the immediate proximity of the barracks, and of a number of mean houses contiguous to the building, while the baths and washhouses uplift their tall and ugly chimney—one drift of burning soot might do the work. The barracks ought at once to be removed to the river side or anywhere, and the new building commenced. The Treasury has plenty of money in hand to enable them to adopt such a course. The advantage of the plan proposed is that the work can be done in sections. Those to the north not being in view will be quite plain and unornamented and therefore cheap, while their construction and use would not involve the demolition of the actual structure until the season has arrived for the final completion of the whole permanent edifice. The time has come when the House of Commons is entitled to know what progress has been made in the negotiations for the erection of the new building, and how soon it is actually to be taken in hand, and I therefore beg to move for the production of Papers relating to the subject.

Mr. W. H. GREGORY said, they were much indebted to the hon. Member for Cambridge University (Mr. B. Hope) for his Motion. For years past there had been a general admission that justice had not been, and could not be done to the national pictures which had been acquired at so large an outlay of public money and had been added to by so many noble gifts and bequests. So far back as 1847 the Committee then sitting recommended the employment of the ground at the back of the Gallery. Fourteen years ago his noble Friend the Member for Haddingtonshire (Lord

Elcho) complained of the condition of the National Gallery. He said it had been a ricketty child from its birth; and no sooner had it been erected than a great portion had been handed over to the Royal Academy. In the same debate the right hon. Member for Buckinghamshire (Mr. Disraeli) made the following statement:—

> "I am not indulging in anything like exaggeration when I say that the prevalent feeling of the House and of the country is that a new National Gallery which shall afford adequate accommodation to those treasures of art we possess, and which, I trust, we shall greatly increase, is necessary."—[3 *Hansard*, cxlii. 2136.]

It was lamentable to think how many years had elapsed since that avowal was made. The Royal Academy had now departed to Burlington House, and some relief had consequently been experienced. This enabled the Trustees to bring up a certain number of selected pictures from Kensington, and to have one entire room of the British School of painting. But the relief was only temporary; even now the pictures were climbing up like ivy to the top of the wall and reaching the ceiling. In their despair the Trustees had been obliged to contemplate the desperate necessity of erecting screens; although these screens impeded circulation and interrupted a proper view of the pictures. The position of affairs was this—that only a faulty and imperfect exhibition could be given of the pictures already in Trafalgar Square. They were huddled together one on top of another—and every one conversant with pictures must know that certain pictures by contiguity to others are absolutely destroyed. Members of Parliament endured a good deal of huddling and squeezing together without falling out; but pictures were of a much more jealous and malignant disposition. In some cases, when brought close together, they actually killed one another; and yet, owing to exigencies of space, the Director was obliged to bring into actual contact these hostile, indeed internecine brothers. Those who visited the recent exhibition of Old Masters at the Royal Academy would remember with delight the extraordinary interest conferred on the pictures exhibited there by proper light, judicious hanging, and ample space. This exhibition of a private society was a credit to the country, whereas our National Gallery would continue to be a national discredit, until they emulated the example thus set to them by a body of artists. Then to sum up. The pictures at Trafalgar Square were huddled up together, reaching the ceiling and out of sight. Other ancient pictures were, till recently, in the rooms below. Some ancient pictures had been sent to Kensington in temporary exile, as it was impossible to house them. Some very fine specimens of English Art were also stowed away at Kensington—and, to add to their depression and oppression, the Trustees had recently received from Kensington a most unmistakable hint that the Lord President of the Council and Mr. Cole would infinitely prefer their room to their company. Now he (Mr. Gregory), as a Trustee, wished at once to say that he did not want the House to rush into any extravagance. He had no idea, for instance, of pressing at present for a new and costly façade, which was the chief item of the expenditure once contemplated. All he wanted was the erection of galleries on the ground already purchased, and purchased for the particular object of enabling the country to enjoy those works of Art now belonging to the National Gallery, and those others which it had always been expected and intimated should be attached to it. To show how little anxious the Trustees were to incur unnecessary expense, the words of their Report, to the then Commissioner of Works, were these—

> "All the space required for the national collection of the Old Masters would not be wanted at once, part of it might be temporarily employed for other purposes."

He had never known the House of Commons niggardly as regards any expense which was really for the credit of the country. No doubt they cavilled at Estimates for Art catalogues, Alderney breakwaters, and Portsmouth forts which could find no bottom; but the House, once satisfied that what it was voting would be properly spent and was for a really useful purpose, never made an objection. And now a word as to what was required at once. The Trustees had carefully considered the subject, and they were not without hope that in a new Gallery, if a proper Hall were provided for their accommodation, Her Majesty might graciously permit the Cartoons of Raphael to be installed there. In accordance with the unanimous recommendation of the Committee on the British

Museum, in 1860, it had always been supposed—and public opinion had been unanimous on this point—that the drawings of the Old Masters now at the British Museum should be under the same roof as the national pictures. They illustrated these pictures, and in many instances determined the authorship of doubtful works. There was no departure from that principle in any of the great European galleries. In the Louvre at Paris, in the Uffizzi of Florence, the drawings formed an important and most attractive portion of the collections exhibited to the public. But who had ever seen these drawings at the British Museum? Not one person in 1,000. Except that one lived in hope that in future they would be exhibited and made popular, they might as well, but for purposes of research, not have been in existence. The Trustees had also considered it expedient that there should be one or two rooms for the exhibition of pictures lent to the National Gallery. England, it was notorious, had a large proportion of the finest works of Art in private houses. Many of these would come on loan for exhibition, and important acquisitions might be made in consequence. Then came another claimant for space, which, though not actually of the same flesh as the National Gallery, was still kith and kin to it—the National Portrait Gallery. He entirely agreed with the observations of his hon. Friend the Member for Cambridge University on this point. The condition of that unfortunate collection had been so intolerable in its dingy habitation in Great George Street that it had been temporarily removed to Kensington. But the Trustees of the Portrait Gallery, in their Report just submitted to the Lords of the Treasury, remind their Lordships that it has been distinctly given to them to understand that they were to be provided with space in the buildings about to be erected for the National Gallery—and he was sure that any attempt to retain them in the shed at Kensington would be strenuously resisted. Why, then, did Her Majesty's Government stand aloof all this year? Surely, it could not be on the ground of economy; for the nation had bought the ground, and there was nothing to prevent the architect from setting to work at once. There could be no economy in losing the interest upon the sum laid out upon this land. Was it economy year after year to accumulate the noblest works of Art at large prices and then so to exhibit them that, to use the words of the hon. Mover of this Notice, you must strain your neck to look at some pictures, they were so high, or lie down on the floor to look at others, they were so low? When they considered the exertions of every foreign nation to multiply galleries of Art and Science throughout the length and breadth of the land—when they saw the effects which daily conversance with Art had on the commercial progress and success of France and little Belgium—it did seem an inscrutable act to have the fountain head of Art in the metropolis of England in the unseemly condition in which it was at present; more especially when the state of the national resources enabled the Chancellor of the Exchequer to pour forth so many and various gifts from his well-filled cornucopia.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, Copy of Correspondence between Her Majesty's Office of Works and the Architect of the New National Gallery, in continuation of the Return to the Order of the House of Commons (10th March 1869), and of the Report of the Architect to the First Commissioner of Works,"—(*Mr. Beresford Hope,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. AYRTON said, there could be no objection whatever to the Motion with which the hon. Member (Mr. Beresford Hope) concluded his remarks. There was every disposition on the part of Her Majesty's Government to afford to the hon. Member and the House every information respecting the proceedings that had taken place since the last Papers were laid upon the Table. But the hon. Member had read them a very long lecture upon the supposed duties of the Chancellor of the Exchequer, of whose balances he seemed anxious to dispose at the earliest possible period in the construction of a National Gallery; the hon. Gentleman suggested that some one interposed to stay the bountiful hand of the Chancellor of the Exchequer in this direction; he did not know to whom the hon. Gentleman referred—certainly it could not be to him, as First

Commissioner of Works, because the hon. Member would be aware that the First Commissioner had no authority to embark in any great undertaking of this kind, and that his duty was confined to carrying out the instructions he might receive from the chief officers of Her Majesty's Government, especially from those representing the Treasury, who determined the expenditure on public buildings. The Government could not disregard all considerations of economy, and in this matter it would be well to be instructed by what had been done in the past, for the hon. Member was not the first who had appeared in that House to enlighten them upon questions of Art, and reminding the Government of their duty to embark in great public buildings, assure them that the occasion was suitable and beautiful. That was the language held some years ago when it was proposed to build a National Gallery; but the Government then in Office, being economically disposed, suggested that a large building in Whitehall, designed for a banqueting hall, in which no dinners had been given, and once employed as a chapel for soldiers, but then altogether unused, would do very well for the purpose. But the Art patrons and the artists of the day complained of the side light and said it was a pity to spoil the beautiful roof, and that it would be very much better to build a Gallery large enough both for the national collection and the annual exhibition of the Royal Academy, because it would leave room for the growth of the national collection; and it was provided that the Royal Academy should remove elsewhere if the national collection increased beyond the accommodation. And what was the result? A considerable sum was proposed for the building; then a farther grant was made; the building cost a great deal of money, and it was thought to be admirably suited for the site on which it was built. Those who had advocated a handsome building 20 years ago said it would attract a handsome donation of valuable pictures, just as was said now. [Mr. W. H. GREGORY: And we have got them.] No doubt a great many pictures had been given to the national collection; experience, however, had shown that people had a great fancy for giving pictures to commemorate themselves, but did not offer to contribute pictures which would promote the Art of the country. [*Cries of* "No!"] He had authority for that statement, and he believed no one would deny that a great many pictures had been offered and declined, because they were unfit for exhibition in a National Gallery. He merely mentioned this to show that hon. Members must not attach too much weight to the presumption that donations of valuable works would follow the creation of a handsome Gallery. When the collection, however, had in time extended beyond the limits of the building reserved for it, the Government considered the matter and came to Parliament with a scheme for meeting the difficulty. It was then stated that, with the assistance and advice of the Trustees of the National Gallery, an excellent adaptation of the building could be made, which would suffice for the exhibition of the national pictures for many years to come. Confiding in that assurance, the House of Commons voted a sum of £17,000, and, in furtherance of the same object, a donation was made to the Royal Academy; the very valuable ground on which the building was erected being worth, perhaps, from £40,000 to £50,000. No sooner was this done, no sooner had the Royal Academy vacated the rooms, than a cry arose that the National Gallery was in every respect unsuited to the exhibition of the national pictures, and that justice to Art required that it should be immediately pulled down. Upon that occasion he ventured to urge, on grounds of economy, that before they pulled down the National Gallery they ought at least to have the design of a better building to erect in its stead, otherwise it would be an idle waste of money to pull down that which already existed. Designs were accordingly invited, with an alterative aspect, one to build behind the National Gallery, leaving the building as it stood at present, and the other to pull down the building and erect an entirely new structure on its site. The result of the competition was that no design was fit to be executed — a result certainly not very flattering to the state of structural art in this country. Two designs were mentioned as having conspicuous merit, and they were bracketed together; but, in the end, upon considerations entirely independent of this particular question, in June, 1868, Mr. Barry was appointed by the late Government to be the architect for the construction of the new National Gallery. When Her Majesty's Government were now asked, without a moment's delay, to proceed with such a building, as rational men of business they were bound to ask themselves what other works were demanded at their hands, in order that they might make a choice, and postponing those which would contribute merely to the delight of the country and of the friends of Art, they might be free to deal with other designs which were of paramount importance in the administration of public affairs. At no period had Her Majesty's Government been called upon to undertake such a number of important public works, involving such vast employment of labour and expenditure, as were called for at the present moment. And let him remind the House that these were not works on which Her Majesty's Government embarked with the notion that they were going to do something magnificent — something which would attract the attention and strike the mind of passers-by, if, indeed, there were persons capable of being influenced in this manner. The history of the world taught us that it was a bad thing for a Government to embark in great building operations, with the notion that it was thereby rendering itself popular in the eyes of the community. There had been conspicuous examples of those who were led away by such reasoning, and found themselves exposed to the most calamitous results. And Her Majesty's Government were too sagacious to follow in the footsteps of dynasties which had been almost destroyed by squandering public money upon magnificent public buildings. At no great distance from London they had recently seen the effects of a large expenditure upon the adornment and improvement of a great city. What Her Majesty's Government were called upon to consider was the bearing of this question upon the administration of public affairs. Look at the various projects which were forced upon their attention. There was first the construction of a new Palace of Justice; next, a building for the accommodation of the Secretary of State for the Home Department and the Secretary of State for the Colonies, with the subordinate departments subject to their supervision. Recently, the conclusion had been arrived at that it was necessary for the proper administration of the War Department that it should be carried on under one roof, and that, of course, would require a building of enormous magnitude. Attention had likewise been directed, very forcibly, to the deplorable condition into which the Admiralty Department had fallen, from being scattered over different buildings; the remedy proposed, of course, was to have a building not less in extent than that which would be required for the War Department. Here were various immense structures pressed upon the Government as requiring to be executed at the earliest moment with a view to promote the effective administration of public affairs. Then, again, the development of the postal system rendered it necessary that we should erect a new Post Office, almost as large and, as far as internal accommodation went, of not less capacity than the existing Post Office; this, indeed, was a work imperatively required, for if not carried out at once it would be almost impossible for the Department to discharge the new duties it had undertaken. There were various minor works involving considerable expenditure, but with the details of these it was not necessary that he should trouble the House. He must point out at the same time, that as regarded the interest of Science and Art Her Majesty's Government were by no means indifferent. At Kensington a building of enormous proportions were being erected, which must be carried on to a stage that would render it fit for use; although a very large expenditure of public money would be required for that purpose, it was impossible to stop in that great undertaking till it had reached such a position that the appearance of the building could be described as comparatively decent. Once more, there was constantly pressed upon the Government the condition of the British Museum, to which the remarks of his right hon. Friend the Chancellor of the Exchequer had been intended to apply. His right hon. Friend might possibly have been infelicitous in the mode of expression which he adopted, but his remarks, undoubtedly, were intended to apply to that Department. Her Majesty's Government and successive Governments for several years past, had felt the absolute necessity of affording some measure of relief to the British Museum in its present overcrowded condition. After the enormous expenditure made upon the maintenance and improvement of the beautiful collections which it contained, it was deplorable that there should not be sufficient means of exhibiting them, and that their vast and interesting stores should lie in drawers and presses, only to be resorted to by the few who came under very special conditions. When specimens in the Natural History Collection, for instance, were crowded into a case three or four deep it was impossible for the public to look at them with a sense of intelligent enjoyment. But to provide adequate space for the proper display of the collections in this building would require, within the strictest economy, over £100,000 or £200,000; and the last time that the project was under discussion the sum mentioned was much nearer to £500,000. Her Majesty's Government, of course, would not proceed hastily with the work until they had satisfied themselves that the arrangements which they had made would not be hereafter condemned as unnecessary, inconvenient, or extravagant; but as soon as all the questions, necessarily very difficult and complex, connected with this building had been solved, he believed he might say that it was the intention of Her Majesty's Government to submit the question to the consideration of the House. It was not, however, an easy one to deal with, and the Committee which sat last Session made certain recommendations, to which it was of course the duty of Her Majesty's Government to give the most careful, minute, and searching examination. This was certainly a more urgent affair than the work upon which the hon. Gentleman wished the Government at once to enter. Proceeding on ordinary principles of business to deal with the demands made upon them, the Government must have regard to whether the National Gallery was so overcrowded with pictures as to prevent the visitors from deriving adequate enjoyment. If it was said that the National Gallery was overcrowded, he must point out that it contained a very large number of the works of one artist, and it might become the duty of the Government to consider whether a national collection ought not to consist of the most perfect works of every school, and whether it would not be better for the enlightenment of the students of Art to have a more general collection, instead of having one of the finest rooms occupied by the works of a single artist. [An hon. MEMBER: You are obliged.] He denied that there was any obligation to occupy one Gallery to such an extent as was the case at present, while the removal of some of those pictures would give a great amount of space, and would prevent the necessity of hanging pictures, as had been proposed, in a hall where they would be destroyed with dust. The National Gallery was a building of two stories, only one of which was now used for the exhibition of works of Art, and he thought it ought to be known why the other could not be turned to account. The hon. Member opposite (Mr. Beresford Hope), who was so solicitous to preserve the National Gallery from fire, did not tell the House that a portion of that building was used as a private residence, in addition to which the Trustees wanted a library fitted up on the ground floor, because the Council of the Royal Academy, after having had ground given to them for a new building, chose to keep their books in the old one. The first thing which he thought ought to be done in reference to that building was to clear the basement or ground story of its present occupants, and then great facilities would be given to the public for enjoying the national collection, which would also be made more available than at present for those students who desired to take advantage of what the country possessed. That was what he proposed, but the Trustees, instead of thanking him for his efforts, came down to the House for the purpose of throwing discredit upon them, and taunted him with being a very economical person. He accepted the imputation, his view being that the public should have their own property and make the best use of it, and that he ought not to be driven to provide new buildings for persons who did not assist him to turn the existing ones to the best account. The Government ought not to be hurried to proceed with the construction of a new building, but, looking to the demands that were made upon the national Exchequer, they ought to have some regard to the necessities of each case, and give to one a preference. The Government would give the subject their best consideration, and when they felt that they could embark in the proposed undertaking they would be prepared to submit a proposal to the House.

Lord JOHN MANNERS said, he did not intend to make any imputation of economy against the right hon. Gentleman who had just sat down; on the contrary, he should charge extravagance against the proposals the right hon. Gentleman had shadowed forth, and he should oppose every grant which was asked for with the intention of tinkering the existing National Gallery, because the money would be thrown away in so doing. One would imagine from the observations of the right hon. Gentleman that all these schemes with regard to the National Gallery were merely whims of a few connoisseurs or Trustees of the National Gallery. The right hon. Gentleman had made one singular omission in his historical retrospect of those transactions—there was not one word said of the different Bills which, from time to time, had been brought in by a Liberal Government for the express purpose of purchasing land upon which to erect a new National Gallery. Year after year Parliament had readily and cheerfully voted the money which was asked for by the Executive of the day, for the purpose of enabling them to become possessors of land for the erection of a new Gallery; and a Liberal Government, of which the present Premier was Chancellor of the Exchequer, issued instructions for a limited competition in reference to designs. The right hon. Gentleman stated that two architects had been bracketed together. The facts were these—if the judges were to select the best design for a new building altogether, they would have selected that of Mr. Edward Barry; but if they were to select the best design for the adaptation of the present building to its purposes, they were prepared to select that of Mr. Murray. During the last few years Parliament had really been the dupes of the Government, if, after the passing of those Bills for the expenditure of large sums of money for the purchase of land on which to erect new buildings, it was found that there existed no serious intention, on the part of the Government, to erect a new National Gallery. The right hon. Gentleman's speech amounted to a confession that the Government had not made up their minds about the National Gallery, while he did not think much of the uses to which it was turned; for, he said, after all, it was only an exhibition of pictures, about which only a few people cared, the majority being far more concerned about rigid economy.

Mr. AYRTON said, the noble Lord could not have attended to his remarks, or he would not have put such an interpretation upon them.

Lord JOHN MANNERS said, he was glad to elicit from the right hon. Gentleman a disclaimer of such sentiments. The right hon. Gentleman had made an unfounded charge against the Royal Academy. He told them that the Academy maintained a library in the lower story of the National Gallery, although Parliament had voted them a sum of money for the erection of a new building on the Burlington House site. [Mr. Ayrton: Had granted land.] Yes; for the purpose of erecting a new building on it. But not only did Parliament grant the Royal Academy a piece of land, but they also granted them Burlington House, where, as soon as the building was handed over to them, they would place their library, and throw it open to the public. The delay was not occasioned by the Royal Academy, but arose from the non-completion of those buildings, between Burlington House and Piccadilly, that were to accommodate the Royal Society and other learned institutions. A portion of Burlington House was now occupied by the Royal Society, the Royal Academy could not take complete possession until the building was free. So far from their being open to the charge that had been brought against them for continuing to occupy the National Gallery, the fault, if any, rested with the First Commissioner of Works, from his not being in a position to give up Burlington House to the Royal Academy. The right hon. Gentleman's concluding remarks were, he thought, intended to divert the House from the real point at issue, which was simply whether, after long inquiries by Committees and Royal Commissions, after plans had been adopted by the Government of the day, after Acts had been passed to carry them into effect, after large sums had been annually voted by Parliament for the purpose of these buildings, and even the ground required had been purchased, they were now to be told that everything was at sea again, and that the right hon. Gentleman the First Commissioner of Works had not only in his head a scheme for the structural alterations of the National Gallery, but a scheme for the exhibition of pictures in that building which the Trustees, and the Director were not likely to accept on his *ipse dixit.* Fortunately, the schemes proposed by the right hon. Gentleman could not be carried out without money, and, before that could be voted, the matter would have to be decided by that House. The right hon. Gentleman intended to disregard all that had been done by the Government of Earl Russell and other Governments, and to have the pictures exhibited in what he could not help terming a more hugger-mugger manner than at present. It was a scheme that, no doubt, would cost money, but then it would be spent, they were told, by a really economical Minister. He could only regard the policy sketched out by the right hon. Gentleman as an attempt to escape the responsibility which had been thrown upon him by Parliament, and as evincing a determination to deal with these exhibitions in a manner which would be characterized by every man of taste and love for Art in this or any other country as a disgrace alike to the nation and the Government.

Mr. COWPER-TEMPLE said, the First Commissioner of Works had not appreciated the recommendation of the hon. Member for the University of Cambridge (Mr. Beresford Hope). The hon. Gentleman did not ask the House to embark in an expensive scheme; but to adopt the plan of leaving the present building for future consideration, and at at once commencing Galleries that might be perfect internally, and economical in external decoration, as these Galleries would have little frontage to the street, they need not be more costly than the Royal Academy Galleries. He (Mr. Cowper-Temple) had not believed till that evening that any reasonable man doubted the necessity of enlarging the exhibiting powers of the National Gallery, and the present First Commissioner of Works was the only man in that House who thought the present building was adequate for its purpose. Its defects were warnings to avoid the parsimony which spoilt the design of Mr. Wilkins. The right hon. Gentleman's remarks about the Turner Collection surprised him; the pictures were bequeathed to the nation on the condition that they should be kept in a separate room; and, even if this condition could be overridden by a quibble, it would be discreditable to the Government and the nation to do so. Then it was proposed that the basement should be used for the exhibition of pictures. But it was not the intention of Mr. Wilkins that the basement should be used for that purpose, and consequently it was not fitted for it, and it would not be treating the pictures fairly to exhibit them in such a place. But the strongest reason why there should be some immediate dealing with the subject had been stated by his hon. Friend the Member for the University of Cambridge. That hon. Gentleman reminded the House that the pictures were not so safe as they ought to be, as the building had a wooden roof, and if unfortunately, a fire were to break out, we might lose some of the great masterpieces which were the pride of the country and so useful for the cultivation of Art. Then, bequests would not be so frequent for the future if we were to act in the way now proposed by the First Commissioner. There were still many persons, actuated by a generous and patriotic feeling, who would be glad that the pictures which they had collected with care and skill, and the expenditure of much money, should be of use to the nation and be exhibited to the whole world in a proper building. Would it not be the best plan, therefore, to build a really useful Gallery to receive such pictures as any public-spirited person might give to the nation? If therefore, the Government were prevented from dealing with the question immediately, it would be a great national misfortune, and, besides, it was not an economical proceeding to allow valuable land in the centre of the metropolis to remain without producing any return.

Mr. BARING said, he must express his astonishment at the speech of the right hon. Gentleman (the Chief Commissioner of Works). The right hon. Gentleman had asked, why should we do anything in a hurry? Now, what was the right hon. Gentleman's idea of a hurry? Had not this subject been agitated for 20 years, vote after vote been taken upon it, money after money granted, and a site purchased? The right hon. Gentleman had said that we could not do it now because there were other matters pressing; but all that ought to have been considered before we paid for the land. This was not the measure of one Government, but of many Governments; for it was considered a great matter to encourage Art, which would have re-acted for the benefit of the taxpayer, because the ability to manufacture and the power of production would have been increased. The right hon. Gentleman said he would give the Papers, but not a National Gallery. But the right hon. Gentleman further took care to say that he was not the person who had rejected the proposal; but that it was the deliberate opinion of Her Majesty's Government that there should be no National Gallery. [" No ! "] The right hon. Gentleman had come into Office with fresh ideas; but they were ideas of parsimony. He said that it was the opinion of the Government that there should be no National Gallery. [Mr. GLADSTONE: Nothing of the kind.] Were the Government to build a National Gallery after everything else was done? There was no intention, on the part of the Director or Trustees, to put the National Gallery in opposition to Kensington Museum. There was no such idea on the part of anyone who really regarded the advancement of art. The right hon. Gentleman had said that he spoke on excellent authority; but the right hon. Gentleman, differing from his predecessors, had not put himself in communication with the Director and Trustees. Wherever his authority came from it did not come from those authorities. The right hon. Gentleman ought to know that the Trustees and the Director only existed under a Treasury Minute, and had no power—not even the power of appointing a housemaid without reference to the Treasury, and, consequently, they could not turn any of the rooms to other purposes without the authority of the Treasury. The right hon. Gentleman did not appear to know on what basis the institution stood. He would tell the right hon. Gentleman that the communications of the Trustees with the First Commissioners of Work had hitherto been satisfactory, because they had been with Ministers who felt with them that the object in view was a national one, and they had been always treated with courtesy. They had always received from every Minister the most courteous and kindly consideration. All he could say was this—that unless the Trustees were to continue upon that footing of free communication, frank consideration, and courteous reception, the office of Trustee would be untenable. If information with regard to changes were obtained, and the changes carried into effect without any communication with them, it would be totally impossible that they should hold their office with satisfaction to themselves or benefit to the country. Everything should be done as if the Government and the Trustees had but one purpose, one object, and one desire. When the right hon. Gentleman talked of the Trustees as wishing to force a thing upon him—wishing to make war upon him—he could tell him the Trustees had no feeling of the kind. All who visited the Gallery—foreigners as well as English, and who were judges of pictures—admitted that the collection, though not large, was very choice; but there was no one who did not say that there was no room to hang the pictures as they ought to be hung. One might hang a picture with its back to you, or in any other way, but to hang it well required room, space, and light. With regard to the library, the Trustees were authorized to purchase the library of Sir Charles Eastlake, which was a most valuable one for study and for reference, and no answer could be got from the right hon. Gentleman as to a room to put it in. If, as he gathered from the right hon. Gentleman, it was not the intention of the Government to have a new National Gallery until everything else was finished, then there might be reasons for making the changes which the right hon. Gentleman proposed; but if it was intended, within a reasonable time, to proceed with the construction of a National Gallery fit for national purposes, then, so far from there being economy, there was extravagance in the plan of spending money to-day on a building which must be pulled down to-morrow. The right hon. Gentleman had made observations on the conduct of the Trustees with regard to the room which contained the Turner pictures. But there was this to be considered, that the Turner Collection had been bequeathed to the National Gallery upon conditions which, according to high legal authority, if not complied with, the collection would revert to the heir-at-law. But, said the right hon. Gentleman—"The nation could do what it liked with its own." The right hon. Gentleman probably intended to introduce an Act of Parliament on the subject. But where would he get bequests for the future if the conditions upon which those that were already given were not complied with? With regard to the proposals which the right hon. Gentleman had made to the House, it was only right that it should be understood that he had kept himself aloof from the Director and Trustees, and there had been no communication whatever between them .

Mr. GLADSTONE said, that if indignation would remove the difficulty of dealing with public questions, and especially with those which unfortunately seemed most puzzling—namely, those connected with Art—he knew from experience that the noble Lord the Member for North Leicestershire (Lord John Manners) was the man to do it. That was not the first occasion on which he had seen the noble Lord transported almost beyond himself by an irrepressible excitement on subjects belonging to the Department with which he had so often been connected. But he confessed he had not expected that the hon. Gentleman who had just sat down would have exercised his imagination to the extent that he had done. He did not refer to the parts of the hon. Gentleman's speech which referred to the relations of the First Commissioner of Works with the Trustees, because upon those he was uninformed; but when the hon. Gentleman, under the influence of his excited imagination—because no man was less capable of wilful inaccuracy—ascribed to his right hon. Friend the First Commissioner of Works the statement of a deliberate intention on the part of the Government that they should not have a new National Gallery, he must say his right hon. Friend had used no words which, in the slightest degree, bore that signification. He entirely repudiated any such intention on the part of the Government. [Mr. Baring said he was very glad to hear that.] Such hasty imputations might, perhaps, animate a debate; but they certainly tended to retard, perplex, and confuse a public question; and he knew of no justification which the hon. Gentleman could have for imputing such an utterance to his right hon. Friend.

Mr. BARING said, he was surprised that a charge of that description should be made against him by the First Minister of the Crown. He conceived the First Commissioner of Works to have said that nothing was to be done in regard to the National Gallery till many other works were finished, and that then that question would be taken into consideration.

Mr. GLADSTONE said, the hon. Gentleman now substituted a totally different charge from the one he had first made; but that charge he (Mr. Gladstone) would meet also. His right hon. Friend the First Commissioner of Works did not state that all those other questions were to be disposed of before the National Gallery was erected. The speech of his right hon. Friend set out the works of that description which were now in the hands of and before the Government. It might be fair to describe that as a dilatory plea. It was perfectly competent for anyone to argue that the whole of that work ought to be done at once, or that any particular portion ought to be preferred to the rest; but it was only right that those connected with the Government should point out to the House what was the amount of work of that kind they had in hand, that the House might be aware of the existence of competing claims. Although he did not find fault with those who said that all ought to be done at once, he could not share their sanguine anticipations. In the history of the Department of Public Works for the last 30 years he had seen little except a succession of procrastinations, reproaches, complaints, and partial failures. There was, however, in London one notable erection of the present generation which was a remarkable success—a success in utility, in happy and original conception, and in moderate cost. It was the reading-room of the British Museum; and it happened to be the one work with which the Government and Parliament had nothing, or next to nothing, to do. When they got into a discussion of this kind there seemed to be nothing but hard words; and he was sure he was very sorry if he had said anything which partook of rudeness to the hon. Gentleman (Mr. Baring); but, after all, the present discussion was only similar to those which they had witnessed before on similar subjects. Indeed, he recollected scenes, if he might say so, of much fiercer excitement than had prevailed that evening; because, although the area of the South Kensington Estate never had been actually stained by the gore of the contending hosts, yet the battles fought over the disposal of that ground in that House had been such that, if words could have drawn forth blood from the veins and arteries of men, unquestionably the whole floor would blush with it. But, in this case, it was right to bear in mind the mass of work that pressed on them. They had just disposed of the London University. A great work at the Post Office was rapidly proceeding. A great work at the Kensington Museum was in rapid progress. The erection of the Public Offices, including the Colonial and Home Departments, was also fast advancing. Structures of immense extent and importance must be undertaken for the War and other Departments, which were of great urgency in reference to the efficiency of those Departments. He need not refer to the case of the Law Courts, because all who heard him knew of the difficulties in which the Government had been involved on that subject. All those buildings, with the exception of those of the University of London and the Kensington Museum, were so connected with administrative necessities as to be entitled, he thought, to precedence in general terms, though he would not say to precedence in so absolute a sense as that they should necessarily be all completed before anything else was begun. He had not a word to say against the mode in which this Motion had been brought forward by his hon. Friend the Member for Cambridge University (Mr. Beresford Hope), and he would state frankly that he did not think the question of the National Gallery should be indefinitely postponed. But surely the buildings to which he had referred were of greater urgency. He did not understand his right hon. Friend in the same sense as he was understood by his hon. Friend behind him, that they should be working in the dark behind the present Gallery, and allowing the façade to stand over till some indefinite period.

MR. BERESFORD HOPE: What I suggested was that the work might be done in sections, and that the portion in front might be left till the last.

MR. GLADSTONE said, he certainly did understand his hon. Friend to say that, to a certain extent, the plan of proceeding piecemeal behind the present Gallery would be obnoxious, his wishes going to the extent of complete reconstruction.

MR. BERESFORD HOPE: To proceed gradually.

MR. GLADSTONE said, according to the opinion of the Government, however, another question was more urgent than that of the National Gallery—namely, that of the Natural History Collection of the British Museum. The case of the British Museum had reached a point far beyond being curable by indignation; it was so extreme that nobody now endeavoured even to apply indignation as a remedy or palliative for it. It had attained the point of absolute absurdity; because, besides the hideous deformity which it had been necessary for many years to give externally to a building which, after all, had a noble façade, in its interior things were packed and stowed away in the dark which were absolutely valueless except when displayed in the light. Therefore, his right hon. Friend the Chancellor of the Exchequer fully intended and desired during this Session to propose a plan to the House respecting the British Museum. If the House should be of opinion the Government were wrong in doing that, and that they ought to make the completion of the National Gallery the first object of their efforts, they had no foregone conclusions and no fastidious pride on the subject that would prevent them from bowing to what might be deemed to be the general wish. He was surprised to hear from the hon. Gentleman who had spoken last that the pictures were so crowded together in the National Gallery. For himself, he had not visited it lately; but when he was last there he thought they were, on the whole, exceedingly well hung and very well seen, and that there was no such extreme urgency in regard to the pictures, although, undoubtedly, space for expansion was to be desired. He had said thus much to remove obvious misapprehension as to the declarations made by his right hon. Friend the Chief Commissioner of Works; and, while he was not himself very sanguine as to their being more successful than other Governments had been in the prompt, rapid, and effective disposal of all those difficult subjects, at least they ought not to be precluded from approaching them dispassionately, through erroneous interpretations being hastily put upon the statement of their intentions.

Sir WILLIAM TITE said, he wished to say that the Instructions to the Commission, of which he was a Member, were that they were to go into questions of alterations of the present building as well as the design for a new Gallery; and the conclusion they came to was that the design of Mr. Murray was the most suitable for the alteration of the present building, but that of Mr. E. Barry was the best if a new one were to be constructed. He was delighted to hear from the Prime Minister that this matter was not to be forgotten, though he was sorry to hear it was to be postponed. What he desired to warn the Chief Commissioner against was any attempt to tinker with the basement of the present building. He believed a fire-proof Gallery might be contructed at a very moderate cost on the site of the workhouse at the back of the present building, after the design of Mr. Barry. The Government ought not, he thought, to grudge the expenditure for the purpose, particularly as the new Law Courts were not to be paid for by the nation, but were to be constructed by means of the Suitors' Fee Fund. He trusted the Government would take the subject up in a large and generous spirit.

Mr. BENTINCK said, that his hon. Friend the Member for Bath (Sir William Tite) was quite right as to the source from which the money for the new Law Courts was to be derived, and he (Mr. Bentinck) contended that they ought not to be placed in the same category with other public buildings. As to the buildings in connection with the British Museum, they had been long promised, and it would be something like a breach of contract, he maintained, to delay proceeding with them. He hoped the Government would yet rescind their decision as to the National Gallery, and begin at once. He would remind the House that the Turner pictures were a bequest to the nation; and, with respect to one of them especially, Mr. Turner had requested that it should be placed next one of the celebrated paintings of Claude. That was a stipulation by which the Government were, he thought, bound in honour and good faith to abide.

Mr. A. SEYMOUR said, he wished to call attention to the fact that there were large numbers of drawings of the Old Masters lying at present in rooms at the British Museum, which were perfectly useless, so far as the Art education of the country was concerned, as they were now stowed away. He would suggest the erection of some plain brick and mortar building, which might be even left to the First Commissioner of Works, in which they could be displayed. Such a building could be constructed at a comparatively small cost; and it would even be advisable to spend £50,000 rather than allow the drawings to be hidden away as they were; or an arrangement might be made to exhibit them in order at the National Gallery.

Mr. BERESFORD HOPE said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

CANADA—DISTURBANCES AT RED RIVER.—OBSERVATIONS.

Mr. R. N. FOWLER, in rising to call attention to the recent disturbances at Red River, said, he would remind the House that the consideration of this subject had been postponed from the 18th of February, and that since that time the circumstances of the case had somewhat altered. He must commence by expressing his belief that the inhabitants of the Settlement had good reason to complain that their rights as British subjects had not been properly respected when the territory was transferred to Canada. This country acquired the territory in 1763. During the war between England and France the settlers were cut off from all communication with their fellow-countrymen, and the result was that at the beginning of the present century the community was composed of Frenchmen who had intermarried with Indian women, and their descendants, from their old family connection with the country, were naturally regarded as the aristocracy of the Settlement. Although the system of trading companies governing large territories was one which could not be approved, as was decided by Parliament when in 1833 it deprived the East India Company of its right to trade, he was bound to say that the Hudson's Bay Company had exercised their power in the Red River Settlement in a way which did them honour. The Governor of the Settlement was usually a chief factor of the Company, and was assisted by a Council of 12 leading inhabitants, including the Roman Catholic and Protestant Bishops. The Company claimed a veto on the proceedings of the Council, but had seldom exercised it. Justice was administered by a recorder, assisted by a bench of magistrates, on a plan somewhat similar to that adopted in India. At present the population consisted mainly of half-breeds, some of whom were men of great intelligence and energy of character, who took high positions not only in Canada, but in the United States and in this country. A Committee of the House of Commons, which sat in 1857, recommended that the Red River Settlement should be constituted a Crown Colony; that suggestion, however, had never been carried into effect, and the Settlement had recently been included in the Dominion of Canada. He thought Her Majesty's Government should, at the time when the transfer took place, have taken measures to secure for the inhabitants the full management of their local affairs and fair representation in the Canadian Parliament. It was not right to sell them like a drove of cattle, or, as they put it, to hand them over to become the "Colony of a Colony." They complained that they would now be placed in a worse position than that which they had occupied under the Company; and he urged that, as loyal subjects of Her Majesty, and fitted to enjoy free institutions, they were entitled to better treatment. It should be stated that the inhabitants of the Settlement denied the right of the Company to sell this territory, on the ground that it was not included in the possessions given to the Company by the Charter of Charles II. The cause of the rights of these people having been overlooked, and their feelings not consulted, might perhaps be found in the fact that the transfer took place immediately after there had been a change of Government in this country, and might be considered as one of the results of the system which always sacrificed the Colonies to any Ministerial exigency. He believed that neither the distinguished statesman who now presided over the Colonial Office, nor the right hon. Gentleman who represented the Department in that House, with so much ability and so much courtesy, had had any previous connection with that Department; and it was a remarkable circumstance that, while since 1852 there had only been four Secretaries of State at the Foreign Office, there had been in the same period no less than 13 different Ministers appointed to administer the affairs of the Colonies. Whenever a Minister unhappily died or resigned it was sure in some way to affect the Colonial Office. Take, for instance, the formation of the present Government. The right hon. Gentleman opposite (Mr. Cardwell) had, in the last Liberal Ministry, administered the Colonies to general satisfaction; but, for some unexplained reason, he assumed the seals of the War Office, and his Colonial experience was lost to the country. Mr. M'Dougall, an eminent Canadian statesman, was sent out as Governor of the Settlement, and it had been stated that the Governor under the Hudson's Bay Company received no intimation of the change, except through the newspapers. An idea had grown up in the Hudson's Bay Settlement that Canada would not give that Settlement a representation in the Canadian Dominion; but would treat it as the Colony of a Colony. Under those circumstances, while deprecating the course taken by the inhabitants of that Settlement, he thought they were entitled to complain. The feeling of dissatisfaction was not confined to the French; but extended to the English colonists. He believed that if the feelings of the inhabitants of the Red River Settlement had been consulted we should never have heard of the recent disturbances. He wished to urge on the Government the duty of properly protecting the Indians. Canada had always been distinguished by a kindly policy towards the Indians; but still, he hoped the Government would urge on the Canadians the advisability of doing all in their power to make the Indians happy and promote the spread of civilization among them. He would not detain the House by referring to recent events, as his main object was to support the claim of these people to fair representation in the Canadian Parliament, on terms of equality, in proportion to their numbers, with the other portions of the Dominion. He was glad to be able to hope, from information which had lately been obtained, that such an arrangement would be carried out; and he trusted to obtain an assurance from the right hon. Gentleman that the difficulty was at an end. He could not conclude without noticing the courteous assistance which had been given in this matter by the Government of the United States; and he must ask the House to consider what opportunities of aggression might have been given to Fenian agitators if negotiations had not happily tended to a peaceful conclusion. The Red River Settlement was not only a distant dependency of the Empire, but one which there was no road or railway to bring into direct connection with the Empire. There was facility of communication between the Red River Settlement and the United States. It would have been comparatively easy for the Fenians to pass from the United States to the Red River Territory; but had they taken that means of striking a blow at the Canadian Dominion, everyone would have believed that blow was not aimed at Canada, but at England; and he hoped Her Majesty's Government would have felt it their duty to bring the power of England to bear for the purpose of putting down those who made the attempt. In doing so the Government would have received the support of a united Parliament.

Mr. MONSELL said, he had to thank the hon. Member (Mr. R. N. Fowler) for his courtesy in having so many times postponed, at his request, the discussion on the subject. He thought he might also congratulate the hon. Member and the House on his having done so, because since he had first put his Notice on the Paper there had been a very favourable change in the state of affairs at the Red River Settlement. The latest reports stated that peace had been restored to the Settlement; that the Hudson's Bay Company had resumed possession of their factories; and that the whole community were working harmoniously together, while the vast majority anxiously anticipated the arrival of the expedition, and were filled with loyalty to Her Majesty's Government. He had every reason to hope that the expedition would be a mission of peace. It would include nobody who had been connected with the Colony either by politics or otherwise, and it would have for its object the establishment on a firm foundation of peace and good relations between the two races. He agreed with the hon. Member with regard to the French "half-breeds" whom he described, and he could not help thinking that the word was sometimes used in this country as a term of reproach, in utter forgetfulness of the mixed character of the English race. As to the rights of the Hudson's Bay Company, about which a question had been raised, he need only state that they had been reported upon as valid by successive Law Officers of the Crown, and by the most eminent men who had held judicial positions in this country, including Lord Mansfield, Lord Westbury, and a host of others; and they had been sanctioned by repeated Acts of Parliament, of which the last was passed within the last two or three years. The hon. Gentleman spoke of the Government handing over the people of the Red River Settlement as if they were a lot of oxen; but he could hardly have considered the circumstances fully. It was natural that a trading Company should think more of its commercial interests than of developing the general resources of the country. No doubt the rule of the Hudson's Bay Company was mild in its character; but it was despotic in theory, and Her Majesty's Government, in handing the people over to the Canadian Government, had given them liberty instead of taking it away. And it was not a case of transferring the people against their will, for although the question of transferring the Hudson's Bay Territory to Canada had been publicly discussed for many years, no remonstrance had been made by the inhabitants of the Red River Settlement. In fact, they had frequently expressed a desire to have a change of government, and they naturally gravitated towards Canada. To what other country could they have been united? It could scarcely be said, therefore, that they did not acquiesce in the the transaction. It was notorious that Canada was a country with the freest and most liberal institutions, and the inhabitants of the Red River Settlement were allowed to participate in these advantages. They had, indeed, been granted more liberal terms in respect of representation and of subsidy than any other province in the Dominion, and he believed the arrangements which had been made were regarded by them as satisfactory. The hon. Gentleman complained of frequent changes of Colonial Ministers, and, while speaking in very courteous terms of his noble Friend (the Secretary of State for the Colonies) and himself, said they had no experience in Colonial affairs before the present Government was formed. But, without attempting to laud the present Government, he might point out that a number of Secretaries of State were engaged, for a number of years before the present Government came into Office, in attempting that which Lord Granville had been successful in doing—namely, to unite the Hudson's Bay Company's Territory to Canada. As he had stated the other day, the expedition had already started; and there was every reason to believe that the great mass of the inhabitants of the Red River Settlement would hail its arrival with satisfaction, and that the Government which would be established would conduce to the prosperity of the Colony, the development of the great region in which it was situated, and the happiness of its inhabitants.

MR. WHALLEY said, that a statement had appeared in the newspapers, and the belief had gone abroad, that rebellion or disaffection at the Red River settlement had been originally occasioned by the action of a Roman Catholic priest named Riel, who was a person of marked character, and supposed to have been in connection with the Fenians, and especially with the Fenians in the United States. He (Mr. Whalley) had brought that statement under the notice of the right hon. Gentleman (Mr. Monsell), who was unable to contradict it; but he stated that the Government of Canada had asked and received the assistance of the Roman Catholic vicar-general in Canada, who had written to a Prelate of his Church, Bishop Taché, to return from Rome to the Red River Settlement, in order to use his influence to bring about a peaceable solution of the difficulty. He (Mr. Whalley) wished to know what was the basis of the negotiations carried on, and whether they were indebted to the vicar-general and to Bishop Taché for the pacific solution which had been accomplished, and whether the delegates from the Red River Settlement took part in the negotiations? It was an easy thing to say that peace was restored, and that there was no danger of collision; but he thought that the best security should be afforded to the House and the country that this arrangement would be permanent, and he hoped that either by verbal explanations or the production of Papers the public would receive proper explanations.

SIR HARRY VERNEY said, that the Red River district, and the country adjacent to it might be reckoned among the most fertile districts in the world, and he hoped that the expedition in question would lead to a new organization for bringing those vast regions into cultivation. Emigrants might be attracted thither from this country if their expenses out were paid, and arrangements might be carried out to enable them to repay a portion of the expense. By commencing the public works they would be able to give employment to immigrants on their arrival. He was glad that tranquillity had been restored to that territory, and he thought the terms upon which its inhabitants would hereafter be governed were as favourable as they could really expect. He trusted that the inhabitants of the Red River district would use their best endeavours for the consolidation of the Dominion.

MR. MACFIE said, the House must have heard with much satisfaction the hopeful statement of the Under Secretary of State for the Colonies, and he (Mr. Macfie) trusted the colonists would view the action of the Home Government in this matter, as well as in the case of New Zealand, as a proof that the Government and the people of this country were anxious to do all that lay in their power to conduce to the happiness and prosperity of our Colonial possessions.

LOSSES AT SEA.

MOTION FOR A COMMISSION.

SIR JOHN PAKINGTON, in rising to move—

> "An humble Address be presented to Her Majesty praying that Her Majesty will be pleased to issue a Commission to inquire into the causes of the great loss of life and property at sea during the last few years, and to consider whether any and what changes can be made in existing Laws and Regulations with respect to collisions, overlading, stowage of cargo, and other matters, with the view of giving increased safety to Passengers and Merchant Ships,"

said, this subject was entirely free from party politics, and no one could imagine that he was influenced by any other motive than a desire to diminish risks and dangers at sea. He was, however, under one disadvantage —namely, that while his subject affected two of the most important matters in connection with the welfare of this country—first, the interests of shipowners, and, secondly, the preservation of sailors' lives—the Board of Trade was not represented in this House by any responsible Minister. ["Oh, oh!"] Hon. Members mistook him if they imagined him to be making a complaint, for he joined with them in lamenting the cause which led to the absence of the right hon. Gentleman who was at the head of that Department, while he did not blame the Government for the course they had pursued with respect to his Office. Nor had he any wish to disparage the Secretary to the Board of Trade, upon whom had fallen very arduous duties, which he had discharged with great ability; but he was sure the hon. Gentleman would be the last man to claim to be that which he was not, and he certainly was not one of the responsible Advisers of the Crown. As he (Sir John Pakington) expected to be able to show a strong case, and one which fully deserved the attention of the Government, he had a right to appeal to a responsible Minister upon the merits of the case that he ventured to submit. The causes that had led him to undertake this duty were these—At the early part of the Session he addressed a Question to the Government respecting the reported loss of the *City of Boston,* that Question being based upon an anonymous letter that had appeared in the newspapers. The result of his putting that Question was the receipt of letters from all parts of England, asking him, on public grounds, to persevere with the matter, and stating that the great evil of the merchant service of the present day was the system of overloading ships which extensively prevailed. Shortly after that the annual session of the Institute of Naval Architects was held, and he, having been President of that body for many years, thought it his duty to consult the members, as to whether it would be desirable to bring the subject before Parliament, because at the annual gathering of that Institute there was a numerous assemblage of shipbuilders, shipowners, underwriters, commercial men, and naval officers, all of whom were competent to understand and deal with a question of this kind. His hon. Friend the Member for the Tower Hamlets (Mr. Samuda) was connected with the Institute he had mentioned, and to him he appealed for confirmation of the statement that, at a very full meeting of the members of that body, he (Sir John Pakington) was requested to persevere with a Motion of this kind on account of its general importance. In bringing forward this Motion his first object would be to show the number of losses at sea that had occurred within a comparatively recent period. He found that, between the 1st of July and the beginning of November, 1869, 28 steamers were lost. As to December he had no information; but from the 1st of January to the beginning of March, 1870, to say nothing of those vessels which were stranded, nine steamers were lost, two of them by collision and seven by foundering at sea. It thus appeared that no less than 37 steam ships had been lost in the course of six months, or at the rate of six per month, or one and a-half per week. Mr. Stephenson, of Lloyd's, took part in a discussion at a meeting in the Society of Arts' Rooms, in February last, when he said that between the 2d of September and the 17th of November, 1868, in one branch of trade alone 16 Baltic steamers were lost. *Lloyd's List* showed that in 1869 21 steamers in the Baltic trade were lost, 18 of the losses occurring after the 1st of September. That 16 Baltic steamers should be lost in the autumn of 1868, and 18 in the autumn of 1869, was, he thought, a somewhat startling fact. In addition to that, he had a comparative statement of the years 1858 and 1868, which showed the number of registered ships and the casualties that happened in those years. In 1858 there were belonging to the United Kingdom 25,000 sailing ships and 1,900 steamers; in 1868 the sailing vessels had increased to 26,000, and the steam ships to 3,000, there being thus a total increase of somewhat less than 8 per cent. In 1858 1,107 losses and casualties happened; in 1868 the number had increased to 1,747—an increase of 50 per cent; though, had he taken the year 1867, the comparison would have been still more startling, for in that year the losses were more numerous than in the following one. Now, how could that increase of casualties be accounted for? He asked the House to look to the fact that the increase of casualties was in proportion to the increase of steam ships, as compared with sailing vessels. There must be a cause for that increase, and what was the cause? Out of the House there was but one opinion—that the great increase of casualties was owing to the too prevalent custom of overloading ships. He did not intend to enter into any personal questions; he wished to discuss the subject in the most calm and business-like tone. Of course, these disasters occasioned a frightful loss of lives. The number of lives lost had increased from 349 in 1858 to 854 in 1868. But the comparative loss of lives was no very safe indication of the comparative loss of vessels. He believed the real number of lives lost on our own shores was, in 1868, 850. Was such an amount of loss of life attributable to ordinary sea risk? The loss of steam vessels was at the rate of one and a-half per week, or six ships a month. Surely that represented something more than the ordinary sea risk? He did not think any man could doubt the real cause of this loss. Not wishing to excite any personal feeling, he would, with one or two exceptions, be very general in the statements he had to make. But he was bound to mention the rule laid down by the India Council and the Admiralty, with reference to the amount of dead weight which the ships in their respective services were allowed to carry in proportion to their tonnage. Dead weight generally had reference to iron, coal, and, he believed, wheat; but it chiefly referred to iron. No ship prudently laden was allowed to carry beyond a certain proportion of dead weight to her tonnage. The India Council did not allow any ship engaged in their service to carry more than two-thirds of a ton of dead weight for every registered ton, and for every foot of depth of hold she must have three inches of free board; and the Admiralty did not allow any ship to carry stores with more than half-a-ton of dead weight to every ton of registered British tonnage. These were considered proportions essential to the safety of ships. He would not give names, but he would mention two remarkable cases which had occurred very lately—one from the West, and the other from the East Coast. The one from the West Coast was a steamer of 500 tons. She went to sea with a cargo of between 1,000 and 1,100 tons, more than double her registered tonnage. Of that cargo 800 tons were pig iron. This ship, therefore, went to sea with more than double the proportion of dead weight to her registered tonnage allowed for storeships by the India Council and Admiralty. What happened? The ship had 24 hands on board. She went to sea, and never was heard of again. The case from the East Coast was that of a somewhat larger ship. Instead of 500 tons it was 800 tons. She went to sea with 1,600 tons of iron, being two tons of dead weight per registered ton—a proportion greatly beyond what all prudence would allow. The ship could not even get away from land; before she was out of sight of the coast down she went with her 1,600 tons of dead weight, and as she could not get away from the land, providentially the crew were saved. He could mention many other instances, including the case of one company, three of whose ships foundered at sea, causing the loss of 300 lives. But there was a recent remarkable case which must be well known to all reading the newspapers—he alluded to the case of the *Sea Queen*. When a man had the misfortune to fall into somewhat bad repute he was apt to change his name and appear under what was called an *alias*, and with a merchant ship the same course was often pursued. If a merchant ship had the misfortune to lower her character, the owners frequently changed her name, and this was the case with the *Sea Queen*. Ten years ago she started under the name of the *Norman*. In three or four years she changed her name to the *Venezuela*. At last she became the *Sea Queen*, under which name she perished. The *Sea Queen* was bought by her last owners for £7,500, and to this he earnestly directed the attention of the Government—she was insured for £10,000, so that in the event of any casualty befalling this ship the owners would be £2,500 to the good. God forbid that he should imply—he had no right to imply—that the owners of this ship had any improper intention in the proceeding they afterwards took in the loading of her. But it was the duty of Parliament and the Government to look after these things; and if the lives of our sailors were to be risked in vessels not fit to go to sea, they ought at least to have that indirect security, such as it was, which arose from finding that owners had not a direct pecuniary interest in the loss of the vessel. This was a very serious matter, because under the law as it existed at present there was absolutely no check whatever on these practices. The registered tonnage of the *Sea Queen* was 677 tons. She sailed from the Tyne on the 11th of February, with a cargo of 1,100 tons of coal, and on the night of the 13th down she went with all hands, 23, on board. An inquiry was instituted with regard to the loss of that vessel; and widows, fathers, sisters, and other relations of the poor fellows who were lost gave evidence. It appeared that some of the men only joined the ship on the undertaking that she was to be overhauled before sailing, but that was not done. They were urged to go on board by taunts of cowardice. The men who had signed articles were called upon to sail or go to prison, and it was impossible for anyone to read the evidence which came out without their feelings being deeply touched. It was his belief that when the vessel left on the 11th February the men went to their deaths as certainly as any man who was ever led from the cell to execution. He had before him the most important evidence of the witnesses in the investigation that was made into the loss of the *Sea Queen.* Mr. Bullock, the master of the Tyne Dock, an impartial witness, had been applied to by the owners to give evidence in their favour at the investigation. And what was his answer? Why, that he considered the vessel no better than a coffin. He said afterwards—"During the whole of my observation I never saw a vessel pass through the gates so deeply laden. I said to the men standing by—'That vessel will never reach its destination.'" The next witness was the deputy dockmaster. This witness stated that he never saw a vessel so deeply in the water, and feared that she would never reach her destination. The last witness he would refer to was William Burroughs, a shipwright overseer under the Board of Trade, and who for 11 years had been draftsman shipwright in one of the Royal Dockyards. That witness also deposed that the vessel, when his attention was drawn to it, was very deep in the water, the deepest he had ever seen; he said he was then about 30 yards from the vessel, and he made the remark that it would prove a coffin to some of the poor fellows on board, adding that, if he had the power, he would stop the ship from going out; but there was no legal power to stop a vessel, no matter what state she was in. He also said that his attention had been called several times to vessels leaving the port deeply laden. It was right to state that, on the part of the owners, counter evidence was brought forward, and two very respectable witnesses were examined, to show that the ship was in a fit state to go to sea; but their evidence was only to the effect that, though they had known the ship for a long time, neither of them saw it on its last departure from port. The House would at once see that no weight could be attached to such evidence as that. He would now refer to the speech delivered by Mr. O'Dowd, assistant solicitor to the Customs, on the occasion of the inquiry into the loss of the ship, who expressed a hope that the Court would arrive at a judgment calculated to influence the Legislature in putting down the abominable and homicidal system of overloading. After paying a just tribute to the shipowners as a class, Mr. O'Dowd went on to say it could not be denied that a practice prevailed of sending cargo vessels to sea excessively laden, with almost a certainty of sacrificing life and property. No higher authority could be referred to, in his opinion, than that of Mr. O'Dowd, who had been in the habit of conducting, in his legal capacity, cases of this kind for the last 15 years. It had been said that the ship did not founder, but ran on a bank; but, if so, it was because it was unmanageable, and within 48 hours after she left all the crew were drowned, and their families were thrown into mourning. No one, he thought, would deny that something ought to be done to put an end to such a state of things. It must be remarked that there was another and different view of the matter. Were there no steamboat companies and steamboat owners, he asked, who had been free from these casualties and losses? Let him do all honour to the name of Cunard. For 30 years the honourable house of Cunard had been navigating the Atlantic with steam ships; and he believed he did not exaggerate in the slightest degree when he said that during that time, with the exception of having one boat capsized with six hands in it, they had not experienced any casualty, and had not lost a ship, a life, or a letter. He believed he might say the same thing with respect to the Peninsular and Oriental Company, whose term of operations, however, was not spread over so many years; but, for the period during which they had been in existence, they stood in the same position, and had had no loss. ["No!"] He apologized if he had fallen into a mistake.

MR. CRAWFORD: The accident to the *Carnatic* on the Red Sea.

MR. SAMUDA: Their loss has been very slight—about 2 per cent on insurance.

SIR JOHN PAKINGTON said, he would ask the House, in reference to this matter, to consider not his statements merely, but the real state of public opinion on the subject. He did not know that he could have a better test of the public feeling on the point than the expression of the opinion of the Chambers of Commerce in this country. In February last a meeting was held at the Westminster Palace Hotel of representatives of the Associated Chambers of Commerce. They took into consideration the state of the mercantile marine, and they adopted a Resolution stating, that in consequence of the frequent losses of sailing and steam ships from the practice of overloading, the Associated Chambers were of opinion that the attention of the Government should be drawn to the subject, and that they should be invited to take into consideration whether their Mercantile Marine Bill should not contain provisions for determining the maximum load line for sailing and steam ships. Mr. Hall, of Newcastle, who introduced the Resolution, adverted to the great evil of sending large and valuable steam-ships overladen to sea, by which practice life and property to a large amount were sacrificed annually. He would now venture to bring before the House the memorial to the Board of Trade adopted at this same meeting, which represented 39 Chambers of Commerce, including those of Bristol, Cardiff, Dundee, Exeter, Falmouth, Gloucester, Poole, Hull, Middlesborough, Newcastle, Plymouth, Southampton, Stockton, and West Hartlepool. The memorial said that the periodical inspection of all sailing and steam ships not carrying passengers should be compulsory; and, secondly, that the memorialists respectfully invited the Government to take into consideration whether the Merchant Shipping Bill should not contain provisions for the prevention of overloading by having a fixed load line or otherwise. He hoped that the Government would not disregard these representations. In a letter he had received yesterday, the Committee of the Salvage Association of London said it was notorious that many vessels left the ports of this country dangerously overladen, and that it appeared to them that only a Royal Commission would have the power requisite for such an investigation as was necessary. In a Petition to this House the Chamber of Commerce of Newcastle-upon-Tyne—a body perhaps more entitled to attention than any other, considering the circumstances attending the loss of the *Sea Queen*—regretted the omission from the Government Merchant Shipping Bill of any provision for determining the maximum load line, as recent experience had shown how many lives and how much property were sacrificed by overloading; and, without distinct provisions to meet this evil, they said the Bill would fail to deal with one of the most distinct and recognized deficiencies of the merchant shipping service. The Chamber added that the increasing number of losses from preventible causes led to an advance in the rates of premium for insurance, and thus inflicted upon the mercantile and manufacturing community a tax which, with care and supervision, might to a certain extent be removed. This was a statement which appealed to the interests as well as to the good feelings of shipowners He was convinced that no honest shipowner and no Minister of the Crown would contend that such a state of things did not require serious consideration. He was far from denying that it was an easy matter to prevent the overloading of ships, and that was a strong argument in favour of his proposal. But no one could deny that our law was deficient, when the *Sea Queen* could leave port while men were confident she was unseaworthy, and there was no power to stop her. In France there was no load line, and shipowners and merchants might combine to overload as they pleased, but there was in every port a Commission without whose certificate no ship could leave port. That system had worked very well, but he did not know whether the shipowners of England would be willing that such a system should be adopted. On our part nothing could be more fallacious than to trust to the insurance offices to stop these things, for there was too much competition to admit of prudent combination among the underwriters; and if A would not insure a bad vessel B would, so that the public could obtain no protection from insurers. As to Board of Trade inquiries under any Government, they did not command confidence or give satisfaction, and local influence prejudiced the decisions arrived at, while there was no regularity or system in deciding when an inquiry was to be held. After the loss of the *Sea Queen* two months elapsed before an inquiry was determined upon; and he believed it would not have been instituted, but for a Question put in that House by the worthy Alderman the Member for the City of London (Mr. Alderman Lawrence). Again, why had there been no inquiry into the loss of the *City of Boston,* with 200 precious lives? He had reason to believe that communications had been made to the Board of Trade to the effect that there were respectable persons in Halifax prepared to make serious statements in regard to the state in which the steamer left Halifax. He knew nothing but what he was told, and he should be sorry to say a word that was unfair towards the owners of the ship; but if a railway accident in this country had involved the sacrifice of one-fourth the number of lives that were lost in the *City of Boston,* would the company have been permitted to go into Court to prosecute for libel anyone who had dared to question the causes of the accident? He knew it would not have been permitted to do so, and public indignation would have insisted upon an inquiry. It seemed to him that the proprietors ought to have courted inquiry rather than to threaten with actions for damages anyone who spoke freely on the subject. Every case in which human life was sacrificed to a great extent ought to be made the subject of inquiry; and those who went to sea should have the satisfaction of knowing that, if life was lost, there would be inquiry on the part of the Government. If a captain refused to go to sea because a ship was overladen or not seaworthy, another would be found who would go; if a sailor refused, he would be charged with desertion and sent to prison, or called a coward. Our law used to require that no ship should go to sea without water-tight bulkheads, but the regulation was abrogated in 1862. [Mr. SHAW-LEFEVRE: It was repealed by Act.] That was a melancholy fact. He could not imagine under what infatuation the provision was repealed; and to show how useful the provision was he referred to the case of the *Damascus,* one of the Canadian mail steamers, which came into Liverpool with one of her compartments full of water. Her bulkheads were watertight, or she would have sunk. Another case was that of the *North American,* another ship of the same line. She fell in with ice off the coast of Newfoundland. She stove in her bows, her fore parts were entirely filled with water, and if it had not been for her bulkheads that ship would have foundered at sea. Was not this, then, another question for the most grave and searching inquiry? Another point of importance was the stowage of the cargo. One of several causes which led to the melancholy loss of the *London* was the fact not only that the vessel was overloaded, but that the cargo was injudiciously stowed; and it deserved consideration whether there should not be some regulation respecting the mode of stowage in merchant vessels. He need not dwell upon the necessity of a change which should tend to diminish the danger and the frightful loss of life which arose from collisions at sea. Some most painful cases of this kind had occurred lately —such as those of the *Oneida* and *Bombay,* of which everyone knew the history, in the Eastern Seas. Then there were the melancholy cases off the Isle of Wight the *Normandy* and the *Mary.* There was another case a few days ago, off the Coast of Essex—he forgot the name of the vessels. In crowded waters, like those which surrounded these islands, there must be constant danger, and everthing which human skill and prudence could do should be done to diminish the inevitable and increasing dangers arising from this source. Perhaps no one understood this subject better than his hon. and gallant Friend near him (Sir John Hay), who, much to his honour, had often stated the views he entertained respecting it, and who concurred with him now in thinking that further inquiry was necessary. From various quarters he had been informed that persons of experience were prepared with suggestions. What was wanted was some competent authority to consider the subject, and if the Government assented to the appointment of a Royal Commission there was no subject into which they might more usefully inquire than the possibility of framing some rule which would have the effect of diminishing the great danger and frequency of these collisions. These were the four subjects which he desired to refer to a Royal Commission. He feared he should be met with two answers—the first being the great difficulty of the subject; but he could not accept that as an argument. He had shown a great existing evil, which had excited the attention of the public from one end of the country to the other; and he appealed to the House whether the difficulty of the subject was not one reason the more for a careful and a searching inquiry. Then he might be told that he might have a Committee. To that he said—No; for he would be limited to the materials which he found within the walls of that House. It was now the latter end of May, and the inquiries of a Committee would terminate with the Session. A long interval would then elapse, and either the inquiry would abandoned, or the whole ground must be be gone over again next year. Now, the end of the Session did not stop inquiry by a Royal Commission; and, above all, the Government would appoint that Commission on their own responsibility, and would be able to choose the fittest men in the whole kingdom to serve upon it. Another answer —and he could guess the author of it—would probably be—"You have got a Bill on the Table." But that was one of the main reasons why there should be dispassionate consideration of this subject. Inquiry first and legislation afterwards. Surely that was the common-sense view of the matter. Parliament was in no condition to legislate, until after a careful inquiry by competent men whether there were not practical and legitimate means by which these dangers might be greatly diminished. In conclusion, he thanked the House for the attention with which they had heard him. He entreated the shipowners not to be led away by any *esprit de corps*, but to act on this question in a manner worthy of the high character borne by the mercantile classes of the country. He hoped also that the Government would meet the Motion in the spirit in which it had been made, not listening to interested parties, or those who represented such parties, nor attempting to contradict the magnitude of the evil, as to which he challenged contradiction, but determining to institute a fair and impartial inquiry with a view to rectify the evil.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that Her Majesty will be pleased to issue a Commission to inquire into the causes of the great loss of life and property at sea during the last few years, and to consider whether any and what changes can be made in existing Laws and Regulations with respect to collisions, overlading, stowage of cargo, and other matters, with the view of giving increased safety to Passengers and Merchant Ships,"—(*Sir John Pakington,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. SHAW-LEFEVRE said, he thought it was impossible that anyone could have listened otherwise than with the deepest sympathy to the speech of the right hon. Baronet (Sir John Pakington). Our merchant marine was of such vast dimensions, it was so intimately connected with the national greatness, that its well-being must excite the deepest interest, and it was natural to ask whether by legislation some of the evils which all must deplore could not be prevented. At the same time, before adopting the course suggested by the right hon. Baronet, it would probably be necessary to take a somewhat wider view of the subject than he had taken, not limiting our view to these evils alone, deplorable as they might be, but regarding the interest of our merchant shipping as a whole, in all its varied relations. The right hon. Baronet had quoted statistics of 1858 and 1868 to show that there was a great and growing loss of life from shipwreck; but the Board of Trade had of late given great attention to this subject, and he differed from the conclusion of the right hon. Baronet. No doubt the last 12 months had been singularly prolific in great disasters. There was the *Carnatic*, which ran on a rock in the Red Sea; the *Spindrift*, with a cargo worth £200,000, ran aground at Dungeness, within a few yards of the finest light on the South Coast of England; and the *City of Boston*, of which, he feared, nothing more would be heard, though the President of the Board of Trade had not the slightest reason to suppose that it was sent to sea from Halifax in otherwise than good condition. No less than six of the finest China clippers had been lost during the last year, and numerous steamers had been lost on the East Coast of England. At the same time, these losses formed only a small proportion of the aggregate losses every year at sea. At the beginning of the Session, when he introduced the Merchant Shipping Bill, he pointed out how great the increase of our shipping had been of late years, during the last 14 years. That increase was principally amongst our steamers. The increase in our sailing vessels amounted to about 40 per cent, and in our steamers to about 100 per cent, and the increase amongst our seamen was between 2,000 and 3,000. He had then pointed out that an economy had been effected in the number of seamen required to the extent of nearly 50,000 men. One great cause of the loss of vessels was the undermanning of them, and it became very important to enquire whether losses have increased or no. He had pursued several methods of inquiry as to the losses of vessels and of life. He had consulted the Wreck Register of the Board of Trade, which had been, until recent years, very imperfectly kept. In former years, too, the record did not include fishing or pleasure boats; whereas now it included vessels of all kinds. In 1861 the number of vessels lost on the coast of this country, and the seas around it, was 200, attended with the loss of 883 lives. In 1868 196 vessels were lost with 825 lives, and in 1869, 209 vessels with 876 lives. Those figures showed a decrease in the loss of life, whilst our shipping had been increasing considerably. Another Return was taken from the casualties posted at Lloyd's during the last 10 years, in all of which British underwriters were interested, and which embraced the seas of the whole world, comprising, to a great extent, British vessels. The average of those casualties was 3,420 per annum. During the last three years—namely, 1866, 1867, and 1868—the numbers were 3,370, 3,363, and 2,721. He had also inquired as to the premiums on insurance, and he was assured by the Secretary at Lloyd's that in those 10 years there had been in almost all cases a reduction in the premiums on British vessels. [An hon. MEMBER: No, no!] He believed that only in one or two cases the premium had remained the same. He had also made inquiries of our Consuls at the different ports throughout the world, whether any preference had been given to British vessels; and he was told generally that British vessels were preferred. From all the facts which had reached the Board of Trade he had reason to believe that the losses of vessels and of lives at sea had not increased. Of late years the Board had held inquiries into all the most important casualties. During the last year the inquiries had been 37 in number, and it would be seen from a *resumé* of those inquiries for the last four or five years, which he proposed to lay before the House, that the losses were not due so much to overloading as to the negligence of the officers in command. A great number of officers approached the land without due and sufficient care. During the last 12 months only two inquiries held by the Board of Trade had resulted in showing that the vessels had been overladen. At the same time there were losses which did not come before the Board of Trade, and the right hon. Gentleman had quoted the case of the *Sea Queen*. Now, the Board of Trade was perfectly ready to institute an inquiry in every case in which it received information to the effect that the loss of a vessel was due to the misconduct of her officers, to the fact that she was overladen, or to her unseaworthiness. In the case of the *Sea Queen*, however, no information reached the Board of Trade until his hon. Friend the Member for the City of London (Mr. Alderman Lawrence) had put a Question to him on the subject in that House. He wished that his right hon. Friend opposite (Sir John Pakington) had furnished to the Board of Trade the particulars as to the cases to which he had referred, for, as matters stood, he was unable to say whether inquiry had or had not been instituted into those cases. He did not even know the names of the cases; but if the facts were laid before the Board of Trade, and if they had occurred within a reasonable time, inquiry into them would be made. He should, in the next place, say a word or two in reference to the *City of Boston.* The right hon. Baronet asked why an inquiry was not held in that case. It was because no facts had as yet been laid before the Board of Trade to show that that vessel had left Halifax in an unseaworthy condition. The moment such facts were produced an inquiry would be held. A gentleman had written some time ago to the Board of Trade, and had enclosed an anonymous statement of some gentleman in Halifax, in which a great many facts were set forth. A letter was written in reply requesting that he would furnish the names of his anonymous correspondents; but that had not been done, and the Board of Trade at the present moment possessed no information which would justify them in holding an inquiry. He presumed the action for libel would go on, in which event evidence might be adduced. He had communicated with the Canadian Government on the subject, and if they were in possession of any information which would justify an inquiry, an inquiry would be held. In the meantime, he thought it was only just to the owners to say that all the information which had been received tended to show that the vessel left Halifax in her usual state. It appeared to him that the inquiries held by the Board of Trade had, in fact, already brought out all the facts which could be elicited by a Royal Commission. The only question, therefore, was as to the direction we ought to proceed in, assuming that legislation was necessary. The Merchant Shipping Bill, which he introduced this Session, was, in the main, a Consolidation Bill; but it would also contain many important amendments of the existing law. In bringing forward that measure he took occasion to state that the Government were not in favour of a system of minute regulation or inspection; but that, on the contrary, they deemed it advisable to increase, and not to diminish, the responsibility of the owners of vessels. The amendments in the Bill would, he believed, meet, to a very great extent, the circumstances of the case which had been referred to by the right hon. Baronet. In the first place, it was proposed to constitute the sending of a ship to sea in an unseaworthy state a misdemeanour. Secondly, greater securities would be given to prevent sailors being sent to sea against their will in unseaworthy vessels. At present, a seaman refusing to sail for that reason was liable to be taken up as a deserter; and he was very frequently unable to adduce evidence respecting the state of the vessel; but under the proposed law any seaman would be entitled to leave a vessel if she were unseaworthy, and, moreover, he would be accepted as a witness, and might call in the assistance of the Board of Trade surveyor, in order to make out his case. He admitted that the working of the present Courts of Inquiry were not altogether satisfactory, chiefly because it had been the practice to mix up the inquiry into the loss of the ship with the inquiry into the conduct of the officer in command. The consequence was, that the investigation partook too much of the character of a criminal proceeding against the captain. The Government proposed, however, that in future these two inquiries should be made separately. It was likewise intended to take away from the Board of Trade the power of nominating the assessors of these Courts, and to vest the appointment in the Board of Admiralty. Another proposed change was, that the Customs should be authorized to note the draught of water of every vessel leaving our ports. If that had been done in the case of the *Sea Queen* it would have shown at once whether she was overladen or not, and as overlading would constitute unseaworthiness, the seamen would be entitled to leave the ship on that account without being amenable to the charge of desertion. It was true that the Merchant Shipping Bill was not referred to a Royal Commission; but in preparing it the Board of Trade took the advice of all those responsible persons whose opinions they valued, and he ventured to submit that it was a measure which deserved the careful attention of the House. When it was being discussed in Committee it would be open to further improvements, which he would gladly accept from any hon. Gentleman who felt competent to make suggestions. The recommendations of the right hon. Baronet all went in the direction of further inspection; but considering that there were no less than 28,000 vessels belonging to this country, and 58,000 clearances every year from the port of London, and probably 143,000 altogether, taking all the ports of the kingdom, the House would see that it would require an army of inspectors to inspect all those minute details which went to make up the seaworthiness of a ship. A calculation had been made as to the probable expense of such a system, and in the opinion of the officers of the Board of Trade it would require not less than £500,000 a year. Emigrant vessels, which did not make in all more than 450 voyages in the course of the year, cost £14,000 to inspect. This would show how expensive a general system applying to all vessels must be. An illustration of the difficulties likely to arise was afforded by what occurred last autumn in the North Sea. No less than seven trading smacks were overwhelmed in a storm, and the lives of 50 seamen were lost. Of course, this created a considerable sensation in the port to which the men belonged, and an appeal was made to the Board of Trade to interfere. It was stated that until a few years previously these very boats were the best found in the country, and that nobody had ever heard of a trawling smack being lost. But owing to increased competition, the necessity of going further out, and of coming back quickly to market with the fish, the sailing qualities of the boats had to be improved. The boats themselves were lengthened, they were more heavily ballasted, their sails were enlarged, and in every respect they were made better sailers; but, meanwhile, they became less secure sea boats; in a heavy sea they were overwhelmed; and a dreadful loss of life occurred. The Board of Trade were asked to regulate this class of vessels for the future; but how were they to do so unless they built the vessels themselves? Every portion of the boat had been altered and must be altered back again to restore them to their original condition. Again, he believed it was a fact that the Hull steamers—steamers plying between the East Coast of England and the North of Europe—had not much horse power, were not good sailing vessels, and when overtaken by severe storms were not equal to the trial. Inspection by itself, however, would never cure these evils; it must be left very much to the experience of the shipowners and of the merchants who consigned the goods to determine the class of vessels best fitted for this traffic. The right hon. Baronet had alluded to the rule of the road at sea as one of the subjects to be inquired into. After much careful inquiry that rule, as laid down, had been accepted by every nautical nation in the world; and, with the exception of the right hon. Baronet and of three or four other Gentlemen, everybody in this country believed it to be the proper rule. According to the experience of the permanent officials of the Board of Trade, there was not a single case in which collision could be proved to have occurred through the failure of this rule; and where collisions had occurred it was through the neglect of this rule. He (Mr. Shaw-Lefevre) was strongly of opinion that a Royal Commission would not bring out any further facts than had already been elicited by the inquiries of the Board of Trade. The true course for the House was to read the Bill a second time, and then, if possible, to amend it in Committee, rather than to hang up the matter for a year or two, as would be done by the appointment of a Royal Commission. He hoped the right hon. Gentleman opposite would adopt that course. As far as in his power lay, it would give him the greatest possible pleasure to co-operate with the right hon. Baronet in striving to improve the details of the Bill; and, under these cirumstances, he hoped the right hon. Baronet would not persist in his Motion.

Sir JOHN HAY said, that the figures produced by the Board of Trade with regard to the loss of life at sea comprised those which his right hon. Friend had laid before the House; it appeared, moreover, that loss of life had been gradually increasing. The hon. Gentleman opposite had argued that inquiry was unnecessary, conceiving that public opinion would be satisfied with the Bill on the Table of the House. The Associated Chambers of Commerce—Bristol, Cardiff, Dundee, Exeter, Falmouth, Gloucester, Poole, Hull, Middlesborough, Newcastle-on-Tyne, Plymouth, Stockton, Sunderland, and West Hartlepool—however, were not of that opinion, for they declared that the proposed inspection of steamers ought to be compulsory; and they went on to make various other suggestions which were not included in the Bill. The Chamber of Commerce of Newcastle objected to Clause 644, which made sending a ship to sea when unseaworthy a misdemeanour, on the ground that the clause would be practically inoperative. And although all agreed that some Bill was necessary, and likewise that there ought to be consolidation, they were plainly in favour of further inquiry before the Bill was passed into law. The Secretary to the Board of Trade, when making the statement which he had just done as to inquiries undertaken by that Board, into the circumstances connected with the loss of shipping, must have forgotten the answer which he gave on the 15th of June last, in relation to the loss of the *Marquess of Abercorn*, a steamer proceeding from the Clyde to a port in Ireland. In reply, the hon. Gentleman said that the Board of Trade had come to the conclusion that it was not necessary to institute inquiry in cases where no loss of life had occurred; but that it was usual in such cases to leave the matter to the ordinary investigation which was made in a Court of Law. That was what he regarded as faulty in the administration of justice. In the particular case to which he was alluding, as both ships belonged to the same owner, no investigation was made; and he believed that if this question were submitted to a Royal Commission, some more definite and satisfactory rule would be arrived at. Singularly enough, in Scotland, the power which was in this country not possessed by the Board of Trade was lodged in the Procurator Fiscal, who, as public prosecutor, could, where loss of life had happened, prosecute and bring the persons responsible to justice. In the case of the *Orion*, when 100 persons lost their lives, the matter was investigated at the instance of the Procurator Fiscal without any intervention on the part of the Board of Trade, and the captain and the mate were sentenced to imprisonment for 18 and 12 months respectively. In this case there was a sharp and sudden judgment; and if some measures were taken for bringing to justice those who were guilty of overloading or carelessly handling their ships, or over-insuring with a view to culpable loss, there would, he believed, be greater safety for the lives and property of those concerned. The hon. Gentleman the Secretary of the Board of Trade appeared to think that the opinion which he advocated with respect to the rule of the road at sea was a wrong one. All he could say was that that opinion was shared by Sir Alexander Milne, the commander of the Fleet in the Mediterranean, and many other good authorities; but, though he had devoted some time and trouble to the subject, he was willing to admit the possibility of his being wrong. He understood, however, that the French Government, as well as United States' officers of distinction, held that the rule to port helm was extremely dangerous, and the records of the *Oneida* proved that a persistence in this rule—the rule insisted upon by the Board of Trade—led to the collision in which so many lives were lost. Still, he had no desire to urge his opinion upon the House. All he desired was that this and other matters might be inquired into by a Royal Commission, so that greater security to life and property might be attained than that which now existed.

MR. SAMUDA said, he thought that such an important subject ought to be dealt with thoroughly, either by a Committee or by a Royal Commission, though he should hesitate to support the Motion if he thought that by so doing he should in any way assist in diminishing the responsibility of the shipowners. From 1858 to 1868 the increase in the number of ships on the Register had been only 8 per cent; but the increase in the number of casualties had amounted to 50 per cent. Would the House, then, be content to hold its hand, and not try to arrest this growing evil? His hon. Friend the Secretary to the Board of Trade had quoted from the Board of Trade Returns in order to prove that the figures of the right hon. Baronet were not correct. But the destruction of ships was, unfortunately, increasing from year to year. Taking the four years ending with 1853, the losses averaged 969. In the succeeding five years ending in 1858, they averaged 1,118. In the succeeding five years the average was 1,488; and in the five years ending 1868 it was 1,748. His hon. Friend was under some great mistake when he stated that the wrecks and casualties reported in Lloyd's list during 1868 were so low as 3,000, the real truth being that in 1868 they amounted to 9,500; and in the two preceding years they were 11,000 each year. Again, his hon. Friend had referred to the fact that no fewer than 21 steamers had been lost in the Baltic in the present year, and 18 of the number in the three months of September, October, and November. It appeared that the vessels so lost had performed 2,100 voyages, and as 21 vessels had been lost, the losses, as compared with the voyages, were 1 per cent. As those vessels made two voyages to the Baltic each month, a small calculation would show that the life of a vessel would be of only four years' duration, if they were or could be continuously employed; or if these vessels were employed only two-thirds of the year, the Baltic being closed the remaining third, the lifetime of these vessels showed still not more than six years. If, therefore, vessels were always lost at this destructive rate, we must be prepared to look for the entire renewal of our commercial fleet every six years. His hon. Friend had said that the tendency was to reduce the rate of insurance. To that he ventured to say —"No." As he was anxious that there should be the fullest investigation of this matter, and as he believed the greatest possible good would result from it not by inaugurating restrictive or penal legislation, but by collecting information that might be most profitably used by shipowners and the mercantile public, he gave his cordial support to the Motion.

Sir JAMES ELPHINSTONE said, the chart which was every year issued must have shown to the country that so far from our yearly losses decreasing they were increasing heavily, and he would now state what, in his opinion, as a seaman, was the cause of this loss, and what means should be taken to lessen it. When he went to sea the normal proportions of a ship were as one in breadth to five in length; they were now as one to seven or eight. The conformation of our ships was totally altered. Whereas, in former times, we had handy ships, we had now ships with their ends like wedges, and wall-sided, and when they were loaded they went down straight into the water and lost that buoyancy which would enable them to contend with the sea. He had lately made a voyage to India, and returning in a ship of the modern build, as they had had bad weather and encountered four gales, he observed with some interest the behaviour of the vessel, and it was perfectly different from what he had ever before seen in the course of his professional experience. To their peculiar conformation he attributed the loss of so many of those long ships; and their unsafety was greatly aggravated when they reduced the freeboard of the ship to a degree disproportionate to her buoyancy. Another source of danger was that the crews were composed of the most heterogeneous materials, including every description of foreign rubbish. ["Oh, oh!"] Well, that was the result of his own experience. The question of the relation of freeboard to buoyancy in the construction of a ship ought to be particularly considered. Our ships did not rise to the sea, and in the case of Baltic ships there existed this condition, that a ship loaded in salt water went into a fresh-water sea, and encountered storms in that fresh-water sea. The effect of that was a very considerable decrease in the supporting power of the water, which made a material difference to the draught of the ship. A large proportion of our wrecks was due to the age of the ships. A ship ostensibly seaworthy when she left harbour would show her defects very soon after she got to sea, if she was of great age; but her weak points were not easily found out by the surveyor who went on board before she sailed. The loss of a ship might arise from the default of the ship herself or that of her officers; and every case of wreck, whether attended with loss of life or not, ought to be strictly inquired into. He had no wish to say a word against the owners of the *City of Boston*, or against the ship herself; but one of Her Majesty's ships—the *Orontes*—sailed from Halifax on the same day as the *City of Boston* did, and from the captain of that ship, he thought, if an inquiry were instituted, they might learn some circumstances that would help to account for the loss of the ill-fated vessel. It had been justly stated that captains could not object to go to sea in their ships; and he believed that frequently they would not satisfy their owners unless they made their passages under circumstances in which most men would formerly have deemed it imprudent to do so. With regard to the case of the *Oneida* and the *Bombay*, they had not yet before them the information necessary to enable them to judge of the nature and circumstances of that collision, and the House ought, therefore, to suspend their judgment upon it. In conclusion, he sincerely supported the Motion of his right hon. Friend (Sir John Pakington); and he hoped that a Commission, possessing the best nautical and constructive skill in the country, would be appointed to investigate that subject.

MR. GOURLEY said, he understood that the House was anxious to pass to another subject, and he begged, therefore, to move that the debate be now adjourned.

MR. GLADSTONE said, that if the Motion of his hon. Friend (Mr. Gourley) were carried, the effect would be to defeat the object he had in view, inasmuch as the Motion before them was that the Speaker leave the Chair.

Motion, by leave, *withdrawn.*

MR. GRAVES said, he regarded that discussion as rather premature, as the natural and legitimate occasion for it would be on the second reading of the Merchant Shipping Code brought in by the Government. He shared, to the fullest extent, his right hon. Friend's (Sir John Pakington's) desire to promote the greater security of life and property at sea, although he differed from him as to the mode of effecting that object. It was said that casualties at sea were increasing; but, in testing that assertion, they ought to be guided by their later, rather than by their earlier experience. Taking the Returns, not so far back as 1858, but for the last three years, he found that, in 1866, the number of casualties at sea was 1,438, attended with the loss of 896 lives; that in 1867 the casualties were 1,676, with the loss of 1,333 lives; in 1868 the casualties were 1,368, and lives lost, 834; and he was told that the Return for 1869 showed a loss of about 800 lives. He believed a large proportion of this loss of life took place in small vessels, chiefly coasters, and it was a remarkable fact that, in 1868, only 120 casualties of any kind occurred to vessels of over 600 tons. If anyone considered the vast number of vessels over 600 tons trading from this country, he must be struck with the small number of the casualties to vessels over that tonnage. He had endeavoured to see what the class of vessels was in which these casualties occurred, and he found that out of 49 vessels which had foundered in 1868 no fewer than 31 were under 100 tons. He had no hesitation in saying that, in respect of these casualties, there were causes at work over which neither that House nor a Royal Commission would have the slightest control. The winter gales of late years were becoming more cyclonic in their character, and the tendency to build ships of iron, instead of wood, made the risk to life greater, because while a slight sudden blow, such as is received from collision with other vessels, or contact with rocks, to an iron vessel was often attended with fatal results a wooden ship only splintered with the shock, and possessed greater safety under such circumstances, though iron offered much greater protection than wood when stranded on sandbanks. The increased length of vessels, the small auxiliary power in proportion to tonnage of many of the coasting colliers unfitted them for contending with heavy gales under steam, and they were equally powerless as sailing vessels. The deterioration of seamen also tended to increase the loss of life, and in certain trades he dare say overloading did its share of the mischief. He wished to know into what inquiries they were to be launched if the proposition now before the House was adopted. Was the length, or material, or construction of the vessels to be subjects of the inquiry? The right hon. Baronet the Member for Droitwich (Sir John Pakington) suggested that there should be a Commission to give a safety certificate to every vessel before she left a port; but that showed that the right hon. Baronet was not conversant with the way in which commercial affairs were carried on, for such a machinery and such an examination was simply impossible, looking at the magnitude of our commerce, the amounts conducted under foreign flags, and the expedition with which vessels were now received and despatched. Then look at the classification of vessels, and which was relied on as a security for safety. Eleven steamers had been lost this year, seven of which were classed at Lloyd's; it was, therefore, futile to say that classification was a protection and preservative against loss of life. The Board of Trade would do well not to wait so much for evidence, in order to take the initiative in ordering inquiries into accidents at sea; but wherever there was a casualty at sea whereby a single life was lost, it ought to be their duty to have an investigation, and to do that required no Royal Commission. He feared that these casualties were somewhat due to the action of the House, in taking upon itself such minute legislation which had only the effect of relieving the responsibility of owners. His idea was, that the House would be legislating in a safer direction if it placed greater responsibility on the shipowners and made them subject to fewer restrictions. The new Merchant Shipping Code proposed that it should be a misdemeanour if a ship went to sea in an unseaworthy condition, and that was the best of all restrictions. He was not opposed to inquiry; but he thought the inquiry ought to be one by that House, and not by a roving Commission, which, having heard a number of conflicting crotchets aired, would be sure to make a Report most puzzling to the House. If the Government, in dealing with the Merchant Shipping Bill, thought they had not sufficient material to legislate upon, he should then go heartily with them for a Committee of Inquiry. Some reference had been made to the *City of Boston;* but he thought it due to the owners of that vessel that he should state that there was no truth in the allegation that she was overladen. She was a vessel of 2,200 tons register, and had on board a weight of machinery, coals, water, stores, and cargo not equal to her registered tonnage. When she left New York she drew 21 feet 7½ inches. Her consumption of coals was 70 tons a day, and she had been lightened by two days' consumption of coal when she reached Halifax. Her displacement was 20 tons to the inch. She drew 21 feet ½ inch when at Halifax. She then took in 57 tons of cargo, which would amount to 20 tons register, so that her draught was 21 feet 1½ inch when she left that place. Now, when she left Liverpool on the outward voyage, she was passed by the emigration surveyors with a draught of 21 feet 3½ inches; and as everyone who knew anything about shipping matters was aware of the strictness with which those surveyors discharged their duty, he thought he had satisfactorily proved that she was not overladen on the return voyage. She was built with seven bulkheads, and she had crossed the Atlantic 90 times, while her captain had crossed it 200 times, and her owners had carried 500,000 passengers during the last 15 years without the loss of a single life.

MR. T. E. SMITH said, he thought the proposed inquiry was entirely unnecessary. A great deal had been said as to the number of ships lost in a particular year; but it should be remembered that the matter had always been treated on the theory of averages. The right hon. Baronet the Member for Droitwich (Sir John Pakington) had pointed out that the ships had recently been lost at the rate of 1½ per week, or 72 a year; but, at the same time, he had spoken with great approbation of the system of the Peninsular and Oriental service, and yet only half the proportion of vessels were lost in 1868 that were lost by the Peninsular and Oriental Company. That showed that the rate of loss in that year—2½ per cent—was not excessive. They were told that a great saving of life would be effected if Government would interfere to prevent the overloading of ships. That, however, he held would be impossible. An army of inspectors would be required to carry out the proposition of the right hon. Gentleman. The expense would be too great; and the only result would be to give a fallacious guarantee of safety to the public. The issue of a Royal Commission just now would stop all legislation until it had completed its labours. He held that if restrictions were put upon British ships foreign vessels would drive them out of the field. He trusted, under all the circumstances, that the Government would not accede to the Motion.

MR. STEPHEN CAVE said, he hoped the House would permit him to make a few observations, as he differed reluctantly from the ground taken up by his right hon. Friend who had introduced the question (Sir John Pakington), and from others for whose opinion he had great respect, and with whom he generally had the pleasure to act, and in whose object he now entirely sympathized. He quite admitted that losses at sea had attained very formidable proportions, and that every possible means ought to be employed to diminish those losses; but he did not believe that the appointment of a Royal Commission would have that effect, and for that reason he should vote against the Motion.

The causes of these disasters were well known, and the only question which had to be determined was what remedies should be applied, and that would be a matter for discussion when the Merchant Shipping Bill came to be considered. Unnecessary inquiry would only impede legislation. Many causes, including defective shipbuilding, the form of modern iron steamers, over-insurance, overloading, the employment of foreigners, the want of subordination, and the degeneracy of our seamen had been advanced to account for losses at sea, and attempts had been made to provide a remedy; but it had too often happened that the placing of restrictions upon shipowners had done more harm than good. Regulations for the building of ships, for instance, like the Building Acts in reference to houses, must have the effect of checking improvement. The lowest standard was, undoubtedly, raised by that means, but the standard of the whole was lowered. This had, he believed, been the case with the Anchors and Chain Cables Act, which he had himself assisted in passing, but which he now began to suspect was a mistake. Questions of this sort should be left to shipowners, shipbuilders, and underwriters. The present Merchant Shipping Bill contained one provision, which he had proposed himself when in Office —namely, greater facility to seamen to leave unseaworthy ships. It also made it a misdemeanour wilfully to send a ship to sea in an unseaworthy condition. He was strongly in favour of owners being punished for sending vessels to sea that were unseaworthy; which, in too many cases, amounted practically to murder. Among the many remedies brought under his notice, while in Office, there were two, not contained in the present Bill, which seemed to him well worthy of consideration. The first was the application of Lord Campbell's Act, with reference to passengers, to common sailors. The second was the prohibition of shipowners from insuring for more than a certain proportion of the value of a ship and cargo. This was the law in some of the Northern countries, and, if it could be enforced, would prevent the sending ships to sea for the purpose of being lost. He would further suggest that, as the Merchant Shipping Bill related to many different subjects, it might be broken up into several Bills, and passed in detail. It was scarcely possible to pass so large a measure, of more than 800 clauses, this Session; but each portion contained a distinct subject of great importance. Might not that portion which dealt with casualties and loss of life at sea, be referred, as a separate Bill, to a Select Committee, just as the Pilotage Bill, which last year formed part of the general Bill, had been? He thought that, in this way, time would be saved and legislation advanced. He also thought a Committee of that House would command greater confidence than a Commission, which was often supposed to consist of people of preconceived opinions. It was a mistake to imagine, as had been insinuated, that shipowners were opposed to stringent legislation. A deputation of shipowners from his own constituency, whom he had the honour of introducing to the Board of Trade, had asked for stricter legislation in regard to collisions. With regard to the rule of the road at sea, he did not like to express an opinion after the statement made by his hon. and gallant Friend the Member for Stamford (Sir John Hay), who was so high an authority in such matters. He was aware that there existed considerable difference of opinion on this point, and he thought that perhaps this was a subject which might reasonably be inquired into by a Royal Commission.

MR. CARDWELL said, the Government rested their case upon the statement made by the Secretary to the Board of Trade, and were entirely of opinion that this was a matter not for inquiry, but for legislation. As the right hon. Gentleman (Sir John Pakington) had said, it was notorious that scandalous cases of loss had occurred. As there was now on the Table of the House a Bill which had been carefully considered during the Recess, he hoped that another winter would not pass before some step was taken to prevent the recurrence of the evils which all must deplore.

MR. HENLEY said, he was unable to support the Motion of the right hon. Baronet the Member for Droitwich. He doubted whether the legislation, or, rather, tinkering which had taken place upon this subject, had not contributed to the loss of ships, rather than to their safety. By these proceedings they encouraged people to rush into the trade who knew nothing about it—they got an Act of Parliament, ship, captain, and crew, and the consequence was that they went to "Davy Jones."

SIR JOHN PAKINGTON said, after the opinions which had been expressed in the course of the debate, he thought the best course he could pursue would be to withdraw his Motion.

Motion, by leave, *withdrawn.*

GREECE—MURDER OF BRITISH SUBJECTS BY BRIGANDS.—OBSERVATIONS.

SIR ROUNDELL PALMER: The House will understand at what a disadvantage I am placed in bringing forward at this very late hour the Motion of which I have given Notice, and yet I believe it to be the general wish of the House that I should avail myself of the opportunity. In consequence of the lateness of the hour, however, I propose to condense some portion of the observations which otherwise I might have made. But, before I refer to the very lamentable facts which form the occasion for introducing the subject, it may be desirable that I should say something as to my view of the principles which we are to bear in mind in considering the public importance of these facts. There are two classes of persons, it will be seen by the House, mentioned in my Notice of Motion, who have been the subject of the dreadful outrage to which it refers, two of them filling diplomatic positions —those of Secretary of Her Majesty's Legation at Athens, and Secretary of the Legation of another friendly Court, and the other two private English gentlemen travelling in their company. To both these classes of persons principles of no small importance apply with reference to this subject. With regard to all Englishmen travelling in a friendly State pretending to civilization, we have a right to look for the observance and the enforcement by that State of the principle which is briefly stated by Chancellor Kent in his *Commentaries on Public Law,* when he says—

> "That when foreigners are admitted into a State upon free and liberal terms, the public faith is pledged for their protection."

That does not, of course, mean that an exceptional protection greater than that which well-constituted Governments ordinarily extend, and ought to extend, to their own citizens, is pledged to the citizens of foreign States; but it does mean that those foreigners who come within their limits have the public faith pledged to them for the protection of a *bonâ fide* settled Government, capable of repressing violence, outrage, and crime in that manner, and in that degree, in which human Governments in civilized countries ordinarily are capable of discharging those functions; and it is manifest that, if foreigners were not entitled to look for that protection, all possibility of respecting the independent territorial sovereignty of foreign States would be at an end, and every nation would be compelled to apply its own power for the protection of its own citizens in foreign countries. There is, then, an undertaking given by all States pretending to civilization to all other countries that the principles of civilized government shall be *bonâ fide* and effectively acted on for the protection of foreign travellers, and more especially that foreigners shall be protected from being the subjects of exceptional outrage because they are foreigners, and because they are persons travelling in the enjoyment or expected enjoyment of the hospitality of a friendly State. But, Sir, the second class of persons to whom I have referred is a class with respect to whom principles of even more universal importance apply; and I must say that I have seen with surprise in some quarters a disposition to suggest that it is not easy to perceive the application to the circumstances of this case of those principles of public International Law which relate to the sacred character of Ambassador. I think there will be needed, on my part, very little reference to either authority or principle, to make it perfectly clear to the House not only that the principles on which that part of the public law is founded are so sacred and so important for all the communications of nations, that no nation can have a higher duty, either to itself or to other nations, than to vindicate them upon every proper occasion, but also that their application in this particular case is exceeding plain. Now, of course, I need not inform anyone here present that the doctrine of the inviolability of Ambassadors applies to all those who are members of the Legation of which Ambassadors and Ministers are at the head, and, therefore, that the two gentlemen who filled the office of secretaries to whom I refer in this case were persons partaking in the fullest degree of the right of protection which belongs to that character. I do not say the principle, but the application of the principle to a case like this, has been called into controversy; and I may therefore, be excused, even at this hour, for mentioning from one or two great public authorities passages which will illustrate what I have to say upon the subject. There is no better known or more popular writer upon International Law than Vattel, and what does he say? He says—

> "The necessity and right of embassies being established, the perfect security and inviolability of Ambassadors and other Ministers is a certain consequence of it. Whoever offers violence to an Ambassador or other public Minister not only injures the Sovereign whom that Minister represents, but also attacks the common safety and well-being of nations; he becomes guilty of an atrocious crime against mankind in general. To admit a Minister—to acknowledge him in such a character, is engaging to grant him the most particular protection, and that he shall enjoy all possible safety. It is true, indeed, that the Sovereign is bound to protect every person within his dominions, whether native or foreigner, and to shelter him from violence; but this attention is in a higher degree due to a foreign Minister. An act of violence done to a private person is an ordinary transgression, which, according to circumstances, the Prince may pardon; but, if done to a public Minister, it is a crime of State, an offence against the Law of Nations, and the power of pardoning in such case does not rest with the Prince in whose dominions the crime has been committed, but with him who has been offended in the person of his representative."

That the House will see relates to crimes perpetrated against a Minister by the subjects of the country to which that Minister is sent. Another eminent writer, Wolff, has said that Ambassadors are entitled not only to the same security to which all foreigners are entitled, but to a peculiar and special protection by virtue of the character in which they are received. These principles immediately conduct us to these conclusions—first, that if from a failure in the performance of the general obligation of protecting foreigners a blow falls on those for whom the public faith—the faith not of the Sovereign merely, but of the whole nation—is specially pledged, that is an aggravation, involving a difference in kind as well as in degree, of the crime, which would under any circumstances have been committed, and a great aggravation of the default on the part of the State that neglects those precautions and those duties of government which ought to have been sufficient to shield even the meanest subject of a foreign State from such an outrage. But it is also clear that if any subject of a State to which the Ambassador is credited has offered any violence, indignity, or wrong to that Ambassador, from which his deliverance is possible, it becomes the imperative duty of the State to use all its resources, and not to abstain from any means whatever which can possibly be used to deliver the person to whom the public faith is so solemnly pledged from the condition of jeopardy in which by such outrage he is placed. This doctrine does not mean that the State to which the Ambassador comes guarantees him against all the ordinary casualties of life; it does not mean that anything impossible or unreasonable can be required, or that if a person who does not know him to be an Ambassador does him some casual wrong, that is a special offence on the part of the nation; but what is meant is, that the faith of the nation is pledged to him to give him every possible protection against wrong or outrage, and to give him redress, and to deliver him, if possible, when wrong has been done. Therefore I say that, in the circumstances of this case, the House has to deal not only with an outrage of a most extraordinary and shocking kind upon British subjects entitled to the protection of a friendly State, and not having received in due measure that protection, but also with an outrage which has been perpetrated, under circumstances much more unprecedented, upon those to whom the public faith of the Greek nation was absolutely pledged, and to assist whom they should not have omitted to do anything that could by any reasonable possibility have been done on the part of that nation, and the people and Government of that country. The House will see, when we go further into this matter, that these principles justify demands which have been made on the part of our Government, which nothing less probably would have justified, because there can be no doubt that the claims of an ordinary citizen, a man who submits himself to the law of a foreign country, must receive their measure from its laws; but when the faith of a whole nation is pledged to secure the inviolability of particular persons, no municipal law of that nation, no special institution of that nation, can be set up as an excuse against the performance of that obligation. There is an absolute right in the nation which has been wronged to claim the deliverance of that person—if deliverance be possible — without the smallest regard whatever to any impediment arising from any municipal institution which that country may have. Having said so much with regard to the principle of the matter, let me now come to the facts. The short facts of this case we all, unhappily, too well know. These gentlemen went on the 11th of April on a peaceful excursion to a celebrated place, the name of which one would think ought to arouse enthusiasm for everything honourable among the Greeks, and 10 days afterwards they were shockingly and barbarously murdered. How was that done? We find from the Papers that there are at present in Greece two notorious bands of brigands —one called the band of Arvanitaioi, who perpetrated this outrage, and another, a distinct band, under a different leader. Whether there are more I do not know; but I cannot mention the existence of these bands without referring to what is, unhappily, too notorious to all who have paid attention to the affairs of Greece and of the East, to the fact that the system of brigandage in Greece is no ordinary crime arising from those common causes which lead to crime in all countries of the world. It has, I fear, if not a political origin, a great deal too much of political connection, and it has been so for a long time. There are in Greece industrious people who, if the Government would rely upon them, would look to their influence and their interests chiefly, most probably would be as capable of raising their own country to prosperity as they are of raising themselves to wealth in other lands. There is another class of Greeks, a class of military ruffians, who are always ready to invade the territory of their neighbours. They are always ready to stir up turbulence abroad, and inflame the public appetite for lawless extensions of territory, or something of that kind; and there is only too much reason to fear that these people, and the banditti of whom I speak, are, and have been for many years, too intimately connected, and that persons who are at one time banditti are at other times politicians, taking an active part in such disturbances abroad as those which only too recently this country has been obliged to repress. However that may be, in the present case this is certain—there was this large and notorious band, whose existence in the country or the neighbouring districts was known, and who were lying in wait for foreign tourists, American and English. They might not know of these particular travellers. Whether that be true or not, on their own showing they were for a week before lying in wait in the neighbouring mountains for foreign tourists, who at that season of the year are in the habit of visiting places celebrated throughout the world. It appears that many people about Athens knew very well that these persons were in the country, although the Government of the country at that time were supposed not to have known it. But I see among the Papers a letter written by the Minister of the Interior to the captain of the flying column on that very day, the 11th of April, in which he says that portions of the band are supposed to be concealed in certain positions he names near Marathon, and orders the head of the horse patrol to make strict search and report the result. In that state of things we come to see what was done in regard to the protection of these English and Italian gentlemen and the ladies who were with them. It appears that every precaution was taken, on their part, to be informed of any danger which might be apprehended, and to get a proper protection against danger. The Chancellor of the British Legation went twice on each of the two preceding days to the office of the police to arrange for a military escort. Orders were given for an escort of four mounted gendarmes, an ordinary escort; but not the least hint of danger was given to them. Not only was this fact stated by Mr. Erskine, in his letter to M. Valaority on the 12th of April; but I find in *The Courier of Athens*, the Government newspaper, on the 16th of April—this is put forward as part of their case—the four gendarmes were given in conformity to ordinary usage, though no fear was entertained as to the safety of the travellers; it being supposed that there was perfect security in Attica, and that nobody had the least risk in going through it from one end to the other; and yet, it is now clear, that on the very day of the excursion, four days before this newspaper appeared, the Minister of the Interior knew that there was great reason to fear that the banditti were in the neighbourhood of Marathon. Now, it is said that, besides these four gendarmes, orders were sent to a detachment of foot soldiers, who were upon or near the spot, to look for the travellers and give them protection, and it has been stated that the protection intended to be given to the travellers by this additional escort was unfortunately rendered nugatory by the travellers paying no attention to the communication from these foot soldiers that the carriages should go slowly to let the foot soldiers keep up with them, that they might have the benefit of their escort. I am not prepared to say that the statement of the head of that military detachment, who says that such were his orders, and that he did make the communication to one of the gendarmes, and to a suspicious person named Alexander, who, unhappily, was the guide of the travellers, and who denies that statement—I am not prepared to say that that statement may not be true; but I do find, from a communication of Lord Muncaster to Lord Clarendon, that no such intimation ever reached the travellers, and it is clear, even from the statement of the soldiers, that no hint of any extraordinary danger was attempted to be given to them. That was certainly not a mode of managing an extraordinary escort—without any communication to put the travellers on their guard—which would be consistent with the performance of the duty of the Government if there was knowledge of danger, as surely knowledge there must have been. But now I wish to say a little more as to the character of these brigands and their relations with Athens before we go on to consider the question of the responsibility of the Government in this matter. When these unhappy prisoners had fallen into the hands of the brigands, immediately there began a system of communication backwards and forwards with Athens. Mr. Herbert writes to Mr. Erskine stating that the brigands say that they could be heard of in town, having correspondents at head-quarters; and they request that a proper person may be sent to treat with them. They actually themselves sent to the Prime Minister a letter, requesting that he would, without delay, send to them the ransom demanded, threatening to take the lives of the prisoners if it were not sent. The message, the Prime Minister stated to Mr. Erskine, was sent by one of the gendarmes. It is quite evident that the brigands had easy means of communication with Athens, consulted their own lawyers, and conducted their matters on a footing of independent negotiators in a way inconceivable to persons living under the ordinary laws of civilization. At one time the brigands seemed disposed to accept the ransom of £22,000 on condition that they should be allowed to reach the frontier in safety; but in the course of the night they were visited by persons from Athens, who were believed by M. Zaïmis to be despatched by some of the leading members of the Opposition. There was afterwards some explanation on that subject between M. Zaïmis and Mr. Erskine, the former saying he did not mean to allude to the leaders of the Opposition. True, it was not the leaders of the Opposition in the same sense as the right hon. Member for Buckinghamshire is Leader of the Opposition here that were alluded to, but some leading members of the Opposition. But, whatever might be the precise character of the persons, there is no dispute that M. Zaïmis, the Prime Minister, stated his belief that political persons in Athens engaged in political opposition to the Government had put themselves in communication with these brigands, and had given them advice which led to those demands which the Government considered it impossible to comply with. The supposed object of that proceeding was to compel the Government to convoke an extraordinary meeting of the Assembly, and thus afford the Opposition a fresh opportunity of defeating the Ministry and driving them from Office. The brigands also told the agents of M. Zaïmis that, though they had reason to trust their present advisers, yet they sent to Athens to consult three advocates of standing, and that they would come to no decision until they received the advice of those advocates; and it appears, in a subsequent part of the Papers, that M. Zaïmis received the names of these lawyers, but expressed a doubt whether they were the real names of the persons. It is quite certain that the Government and the bandits were engaged backwards and forwards in communications, and that the bandits had their agents in Athens, and persons with whom they were to share the booty. The effect of those communications was shown in the printed Papers before the House. Mr. Herbert wrote to Mr. Erskine—"We know that the chief of the band has communications with Athens, on which he acts," and Mr. Herbert proceeds to say that the brigand chief is a hard man after communicating with Athens. Mr. Vyner writes, on the 16th of April, to Lord Muncaster—

> "There is some one in the background at Athens who fills his head with extravagant ideas; says you are the twelfth richest Lord in England, and first cousin of the Queen."

One of the brigands, who was afterwards taken, says—

> "On the evening of the day on which the band was taken by the troops, Takos, in reply to the reproaches of his comrades, said it was not his fault, but that of the high personages who had advised him to insist on the amnesty."

I will mention one fact more of the same kind. Upon the body of one of the brigands, who was killed, was found a letter, signed, as is believed, in a feigned name, and dated a month or two before the event, upon the 27th of February, in which he speaks of himself as holding an office in the public service at Athens; and he is so spoken of in a letter from Colonel Théagénis to M. Zaïmis, the Prime Minister. He says—"It evidently comes from some one in the public service." The man speaks of himself as having been prevented from going to see the brigands by being called back to Athens, where MM. Coussel have nominated him to another post. This, as it appears to me, is an extraordinary state of things. The Minister is continually putting it forward that he finds there are two sets of people in Athens communicating with the brigands, the Government and their agents, and other people and their agents. All this is going on and nothing whatever is done, as far as I can see, to find it out and prevent it, or to get hold of the people who do it and punish them; and all this ends, as the House will see, in the destruction of those unhappy Englishmen. At this stage of the matter I will ask the House to consider whether it is not plain that there was, so far, a failure in the performance of those public duties which devolve upon a country like Greece? I put aside our being one of the protecting Powers, and all political obligations; I put aside for the present the diplomatic aspect of the question entirely; but I cannot help thinking that the representative of this country in Greece did well, when, upon the 12th of April, the earliest date he could, he wrote to M. Valaority—

> "You must permit me to say that the facts of the case imply a want of vigilance on the part of the authorities which is altogether inexcusable. . . . . I cannot refrain from observing that it appears to me that great negligence has been shown by the authorities who are intrusted with the maintenance of order, and, consequently, that the Hellenic Government may be held answerable for what has occurred."

That was for the mere event of the capture; and everything which happened afterwards, to my apprehension, aggravates that, even in the gravest degree. I think the House will also agree with me that Lord Clarendon, who, in my humble judgment, appears in no respect wanting in a proper tone in his communications upon this subject with the Greek Government, was right when he said—

> "It is a scandal to civilization, and an offence to the Powers who called Greece into existence as an independent State, and, as such, have protected her, that, after the lapse of 40 years, such things should occur."

On this subject I may quote not only Mr. Erskine and Lord Clarendon, but also the Greek journal *The Αιῶν*. I suppose Mr. Erskine would not have sent it unless he thought it a fair representative of independent Greek opinion. The journal of the 14th of April said—

> "Everyone has felt that the blow affects not the Government, but the State. . . . . Both the place where this act of brigandage was committed—the neighbourhood of the very capital, and the hour (in full daylight), and the number of the brigands—above all, the position of the captives, render this act of brigandage that which was required to wound the reputation of our State, and re-open wounds which had hardly been healed from a series of long past events. . . . If the Government ignored what was known to private persons as to the presence of bands of brigands in Attica, or, knowing it, failed to take measures against them and left the public in unfounded confidence, no logic or argument can exonerate them from the responsibility."

We have, therefore, the concurrent judgment of our own Minister in Greece, of our own Minister at home, and of public opinion in Greece itself, all tending to fix the responsibility for this calamity upon the Government of Greece. I had put aside for a moment all considerations of a diplomatic character; and I now return to them to show the House —and I do not stand alone in taking that view—that it is of the utmost importance that this country should vindicate the rights of the diplomatic body to protection from the Governments to whom they are accredited, that this is a case which manifestly calls for the assertion of that principle; and, further, that the diplomatic character of these two gentlemen had a vast deal to do with all which followed, and with the miserable deaths which were so cruelly inflicted upon them. I shall first appeal to one of the most amiable of witnesses, Mr. Vyner. It is impossible not to speak without some feeling in reading his words. He, writing to Lord Muncaster on the 19th of April, says—

> "Telegraph to De Grey to ask Lord Clarendon to urge on the Greek Government to get us released, as they can do it and will, if sufficient pressure is put upon them, and write to him, or send on this letter, explaining that this is no ordinary act of brigandage, but to a certain amount political, and that we went to Marathon on the War Minister's word."

Did not Mr. Erskine take the same view of the matter? He, on the 12th of April, writes thus to Lord Clarendon—

> "I do trust that, as this is a case of two persons belonging to the diplomatic body, who had apprised the authorities of their intention to visit Marathon, who had obtained an escort which they had a right to consider sufficient, and who received no intimation whatever of danger, your Lordship may see fit to hold the Greek Government answerable for what has occurred."

Lord Clarendon must have been acting upon the same most just and proper view of his duty when he wrote to Mr. Erskine on the 21st of April—unhappily too late, for the telegraph failed us as well as other things in this case—

> "I authorize you to insist on the discredit that attaches to Greece from the prevalence of brigandage, which no effectual means are taken to suppress, and to declare that the British Government would not accept, as an excuse for the sacrifice of life, the plea that eve nfor its preservation pardon could not be extended to the brigands."

In that and other despatches Lord Clarendon says that he could not for a moment admit the putting forward by the Greeks of the letter of the Constitution as making it impossible to grant this amnesty, and Lord Clarendon is right. It is possible that if these had been mere ordinary travellers he would not have been right; but these were men for whose safety the public faith of Greece had been pledged, and no law could stand in the way of the sacred obligation of the people to redeem these gentlemen from their captivity and preserve their lives. No legal and technical obstacles should have been put in the way of the fulfilment of one of the first and most sacred duties of a civilized country. That view was also taken by the foreign Ministers at Athens. The representative of Italy wrote to his Government on the 14th of April, stating that the Ministers of France, Austria, and Prussia had simultaneously made a verbal communication to the Greek Minister for Foreign Affairs, expressing to him their conviction that the Hellenic Government was bound to pay the ransom; "basing it on the violation of the security due to diplomatic *employés*, and in order not to prejudice future rights." All the other foreign Ministers at Athens afterwards expressed their concurrence in this representation. That was at a time at which it appeared possible by a ransom to save these invaluable lives. What was the result? Plainly this—The Greek Government virtually admitted their responsibility, and accepted the whole control and management of the measures for the release of the prisoners, undertaking, practically, to be answerable for the result; and the fact that two of these gentlemen were the representatives of two foreign Governments gave a peculiar character to the situation of things, bringing in its train all the consequences which followed. Count Della Minerva writes on the 14th of April—

> "The brigands retained the five travellers and the interpreters, and they no sooner learnt that there were two Secretaries of Foreign Legations than they commenced dancing and jumping with frantic joy."

It was a fact that these gentlemen filled this sacred character which led to the enormous demands of the brigands. Then followed, perhaps, one of the most remarkable events which has happened in the communications of civilized nations. The brigands wrote a letter, addressed to the two Ministers of the insulted Powers. On the 14th of April they put themselves in direct communication with the representatives of England and Italy, throwing upon them the responsibility of doing that which they required. That obliged the Ministers of England and Italy to send them an answer, which is not without a material bearing upon some parts of the case. I said that the whole behaviour of the brigands was founded on this. Mr. Herbert writes to Mr. Erskine on the 17th of April, and says that the chief brigand talked to him like a lawyer, just as you might imagine a man to talk who has just received advice from his counsel at Athens—

> "He says that the representatives of England and Italy should say to the Greek Government that they do not care at all how the thing is done, whether by amnesty or no, whether an amnesty be legal or not; but that all they require is the return of their people, *faute de quoi*, the fleets of England and Italy will destroy Greece. On such a representation, he says, the Greeks would find a way quickly, as, he says, they do not care for laws."

I do not adopt the language of the brigands; but it rests upon a perception of the fact that they had got into their power two persons, for whose protection the honour of three nations was pledged. Then Mr. Herbert adds—

> "I have no doubt the Government of the King will do what it can; but of course they see that, having taken the matter up themselves, they have made it almost impossible for us to treat separately, because the interest shown by the Government, thoroughly kindly and sincere as it is, of course has a tendency to make them think that protection will be extended to us under all circumstances. Pray do not suppose we wish to lose that interest and protection, for it seems now to be our only chance."

I might make other citations to the same effect; but it is clear that the diplomatic character of these gentlemen, while it aggravated the crime, aggravated the danger and led eventually to the death which they suffered. I have already said I think that Lord Clarendon was abundantly justified in his opinion that, under the circumstances no legal or technical objection should have stood in the way of the deliverance of these prisoners, for whom the public faith of Greece had been pledged. The Greek Government were willing to do everything except that which was a mere matter of form; they were willing to let the brigands receive the ransom, and even to give hostages for their safe passage over the frontier, or embarkation on board a British vessel. It was not, therefore, that they held themselves bound in duty to punish these people, but that they refused to be guilty of a technical breach of law—in a case in which it only became necessary because they had failed to prevent the systematic defiance of law—even to save the lives of those gentlemen, though they were practically willing that the brigands should be made safe. Under these circumstances, I think no one can have any serious sympathy with the difficulty which was made upon the point of amnesty; or hesitate to draw the conclusion that the Greek Government, having declined to save the lives of the captives in that way, which would undoubtedly have been effectual, took upon themselves the responsibility of using means, which should be proper and effectual for saving them in some other way. One broad fact is clear—that these precious lives might have been, and were not, saved. I must add some further observations, without unnecessarily entering into details, to show how utterly the Greek Government failed in the management of that mode which they deliberately chose to resort to as the best mode of delivering the captives. It is perfectly plain that, even without granting an amnesty, by the exercise of a little sound judgment and common sense, the lives of those gentlemen might have been saved. The enormous ransom demanded—£25,000—would have been paid—and I wish the Greek Government had at once intimated their readiness to pay the money, for that they would have had to pay it in the end is a matter beyond all doubt. It would have been more grateful if they had enabled me to say that they at once accepted the responsibility and furnished the ransom. But be that as it may, the means were forthcoming from other sources, an English ship was in readiness, and nothing else was required to secure the safety of the captives except a little more time for parleying and the abstinence of the troops employed by the Greek Government from anything like hostile action. I am bound to state that there is but one circumstance in the whole case which in the least degree tends to palliate—but which, rightly understood, does not remove the responsibility of the Greek Government—I allude to the fact that the measures they took were to a certain extent communicated to Mr. Erskine, and to a certain extent received his sanction. It is, however, only just to that gentleman to say that the construction which he manifestly put on the communications made to him contemplated an entirely different course of proceeding from that which was eventually adopted; a course intended to guard against the contingency of the prisoners being withdrawn to an indefinite distance after all *boná fide* treaty for their liberation should have come to an end. The brigands themselves throughout held the same tone. They said to their prisoners—"We cannot allow you a long delay; we must have our terms and have them soon; if the troops molest us, we shall kill you." On the 14th of April Mr. Herbert wrote to Mr. Erskine to this effect—"Do what you can to stop the troops from pursuing us." Mr. Erskine saw the Minister for War, M. Soutzos, and he, not appearing to think the threats of the brigands would be seriously executed, admitted that he had received a letter from the chief of the band with a similar threat, and promised, at Mr. Erskine's request, to issue orders against any further pursuit of the brigands by the troops. Then comes the letter which the English and Italian Ministers wrote to the brigands on April 14th. The words are these, and I look upon the document as of great importance when taken in connection with subsequent events—

> "The English and Italian Ministers have received your communication. There will be no difficulty as to the payment of the money, but you must not insist on an amnesty, which Government have not the power to grant. Persons will be sent to treat with you, but in the meantime both the King and the President of the Council have assured the English Minister that you shall not be molested."

That, of course, implies an absolute and indefinite guarantee of non-molestation as long as any real treaty was going on. Well, Mr. Erskine at first felt almost at his ease, for writing on the 16th of April, when the band had gone to Oropos, he says that he felt no apprehension for the safety of the prisoners—

> "As the brigands are now aware that they can, when they choose, obtain an exorbitant ransom, with liberty to convey it beyond the reach of the Greek authorities."

But on the next day more urgent letters came from Mr. Herbert, Mr. Lloyd, and Mr. Vyner, stating that they were pressed by the brigands, that they were in danger, and that the threats which had been held out would be carried into execution, and representing that, above all, there must be no pursuit and no molestation. They suggest, moreover, that some more responsible and trustworthy person should be sent to treat than the persons—and who they were we do not know—hitherto employed by the Government, and Mr. Erskine suggested that Colonel Théagénis should be sent. He was aide-de-camp to General Church, an English officer long resident at Athens, who had been in the public service of Greece, and a man of very high character. I am willing to believe that Colonel Théagénis may have been everything that Mr. Erskine represents, as far as character and integrity were concerned; but I wish I could say that his discretion equally justified the choice. I cannot but think there was a great deficiency in this respect upon his part. However, he was sent to negotiate; and the instructions he received stated that the Ministers of England and Italy had demanded that all pursuit should cease against the Arvanitaioi, and that the Government had been obliged to consent to this demand as long as the captives remained near Athens; but that the band instead of remaining at Keramidi had gone towards Oropos, carrying the prisoners with them. Then, after referring to the demands of the brigands, Colonel Théagénis is instructed to convey to the band — first, the assurance that the ransom is ready to be paid to them whenever they are ready to receive it, and that they will be permitted to leave the territory either by land or by sea, embarking if they please on board an English vessel; secondly, that it is impossible the amnesty can be granted; thirdly, that no harm is to be done to the prisoners; fourthly, that on no pretext are they to remove from Oropos, so that the prisoners may be able easily to communicate with their respective Ministers; warning them that if the band quitted Oropos the Government would consider themselves relieved from the undertaking they had given to the foreign Ministers to suspend all pursuit against the Arvanitaioi. These instructions were followed up two days afterwards by another supplementary instruction from the Prime Minister of Greece. It seems that some letter had been written by Colonel Théagénis to the captain of some troops in the neighbourhood of Oropos, mentioning his suspicion that the brigands were about to leave Oropos—

> "We hasten to transmit you an order in case of a refusal on the part of the Arvanitaioi to deliver up the captives on receiving the ransom. You are to order the military detachments to make a blockade of Oropos, and to prevent them with all your power from leaving with their captives. They are to be strictly shut up in Oropos, and then you may renew the proposals."

Now, I must confess I think that was a perilous order to give; but it was given on the responsibility of the Greek Government, who undertook that it should be executed in the spirit and for the purpose for which the negotiation was going on. Mr. Erskine, I am satisfied, would never have assented to it but for the understanding established with him as to the caution to be exercised and the abstinence from any attack upon or molestation of the brigands; because I find Mr. Erskine, in his despatch of the 21st of April, says—

> "Colonel Théagénis received his instructions from the whole Cabinet in my presence, and I am bound to say that complete latitude was left him as to the terms to be granted, except on the two points to which I have already adverted, and on which the Government cannot give way. In all other respects he is to be most conciliatory, and he was good enough to promise that he would himself accompany the brigands as a hostage in case they could be induced to liberate the captives."

Count Della Minerva, in his last despatch, speaking on the same subject, said—

> "In order to prevent the brigands from carrying out the plan they had formed of taking their prisoners into Thessaly, the troops moved up on all sides, and were so placed as to be two or three hours' distance from Oropos, where the brigands were. The soldiers received strict orders not to fire if the lives of the prisoners were in any way endangered. The first and most important question was how to save the lives of the prisoners."

I confess that applying my judgment as a civilian to the matter, it appears to me that it would have been a wiser course not to have moved the troops into the neighbourhood at all; but if the troops were moved with these instructions, that the safety of the captives was to be their first object, and that they were not to fire or use their arms if any possible injury could arise to the captives, then I cannot but think Mr. Erskine might well have said—"This is the course which, on their own responsibility—a responsibility which naturally lies with them—the Greek Government think may be adopted so as to secure the deliverance of the captives. They refuse to take the course of granting an amnesty. They think this is the necessary course. I myself see that if the brigands were to propose to go away altogether out of reach, it might be necessary to take some course to prevent their doing so; and therefore, assuming that the instructions will be acted upon in good faith and according to their spirit, I see no objection to them." This, I think, was the view taken by Mr. Erskine, and it is shown to be so, because when he received the information which afterwards came, he expressed his opinion that the conduct of Colonel Théagénis had been much less conciliatory than he expected. Not to prolong a sad and painful story, I will remind the House that on the 20th of April—probably too late for any good—there came a report from Colonel Théagénis and a series of letters from Mr. Herbert, Mr. Lloyd, and Mr. Vyner, all showing the imminence of the danger and the certainty of their death if the soldiers were put into operation against them. Mr. Noel, a gentleman who is entitled to the highest praise, here comes forward and is active. He writes with full knowledge of the country, and assures Mr. Erskine that if a collision occurs between the soldiers and the brigands the death of the captives is certain. He telegraphs to say they are going to Sykamenos, and he adds that they will accept the terms. He had actually brought things to such a point that he felt assured the terms would be accepted, and he received for answer that they should not be molested at Sykamenos, and thereupon he prepared to go immediately from Chalcis to Oropos; but was obstructed by some pettifogging objection as to the use of the Government boat, because it is required for some petty purpose of the collection of taxes, and he could not go in his own boat because he is delayed and intercepted, and so precious time is lost and he is not able to give the safe conduct. In the meantime, the brigands have crossed from Sykamenos and the troops are brought to bear against them. Alexander, the courier, is sent with Mr. Erskine's and the Italian Minister's promise of safety in his hand to beg and entreat that the pledge may be respected. He does not come back in time. The firing occurs—it is impossible to say who begins it—but the troops were put into action against the brigands, and that was the direct and immediate cause of the disaster. And so the Greek Government being under the most sacred obligations to save these gentlemen, and having been able to save them, either by waiving technical points of form, or by conducting with all the discretion, forbearance, and common sense which it demanded, the operation, which they undertook to conduct in their own way, failed in both these points, and the result has been the death of these most unfortunate gentlemen. It has been a painful duty to me to bring this matter to the notice of the House. It has been painful, first of all, for the Motion relates to the loss of four, as far as I can judge, very unusually precious lives. I will first speak of the Italian gentleman, who is described in touching terms by the Minister who employed him, and the Minister under whom he served, as a young man of pure character and brilliant promise, beloved by every one who knew him. I myself had the honour of some acquaintance with the gentleman who was connected with our own Embassy, Mr. Herbert. The words which are used of Count de Boyl are eminently applicable to Mr. Herbert, a gentleman of no ordinary intellectual gifts, and of the most absolute purity, simplicity, and nobleness of life—a man the loss of whom to this country, under any circumstances, would have been a very serious and grave misfortune. The other two gentlemen I can say less of from personal knowledge, though one of them was the son of an old friend of mine at the Bar with whom I have frequently sat side by side, and the son was not entirely unknown to me. He was a gentleman of promise and of character, and if we may judge from the exhibition of his character made by himself and his companions in misfortune, as they appear in these Papers, he was a man of a brave as well as a generous spirit, thinking of his wife and child and others much more than himself, and having an eye to the beauties of nature even when all those perils and miseries were upon them. As to Mr. Vyner, I can only say that, though a stranger to him personally, I think one almost learns to feel affection for him in reading the memorials which in this book have been left behind. Never did anyone leave memorials of a more gentle or gallant spirit; he was not willing to be saved at the expense of his courier, his servant, his friend, or of any other person. He exhibited a natural desire for life; but if that was not possible, he, in the simplest and most unaffected manner, asked for nothing but an English Bible and the prayers of his friends. The loss of such men would, under any circumstances, be a cause of great public sorrow, and that is one reason why bringing forward such a matter is a difficult and painful duty. I frankly confess there is another thing which makes it painful to me. I have been obliged to speak as I have thought just and necessary of the public responsibility of the Government of Greece, and there is no doubt that for the purpose of public responsibility a Government is represented by its Sovereign. But, in this case, the pain I have felt in dealing with the matter is increased by my sense of the generosity of the individual Sovereign who presides over that nation, himself evidently a man of kindly, generous, and noble spirit, who, in the first impulse of sorrow and indignation of this violation of the public faith of the country over which he presides, could even think of a thing so impossible indeed as putting himself personally in the place of the prisoners, and every opportunity he could use he did use to show his sense of this calamity. Of course, that does not alter the public responsibility of the nation; but it is consistent with the expression of what is due to the faith of nations in respect of the wrong which this country has suffered from the Greek Government—it is consistent with that to acknowledge what is due personally to the Sovereign of that land. I will, before I conclude, say this also of the Greek nation—that it is to me a matter of sincere pain to be obliged to bring against their State such a charge of public wrong as I have felt it necessary in this case to do. I was one of those who, in the earliest dreams of youth, looked forward with hope to the realization of those bright visions of a new Greece, which might emulate the virtue and the greatness and the freedom of that Greece to which we are all so much indebted for the literature which has been the ornament and inspiration of mankind for ages. I rejoiced in her success and her emancipation as a youth, and I could not bring myself to believe that those were untoward events which the wise politicians of that day lamented as disturbing the balance of power in Europe. Of course, a boy's politics are of very little importance; but throughout life I have continued to hope that the day would come when those visions which grown-up and wise men as well as boys in those days entertained of the future civilization and glory of Greece might be realized. I do not yet utterly despair. I see that Mr. Erskine says, in a passage of one of his despatches, that it would be quite possible to put down these things which we lament. He says—

> "I feel persuaded that were it to be well understood that the nation would have to make good any loss inflicted upon foreigners owing to the neglect or mismanagement of the Government, the latter would soon discover the means of putting a stop to a state of things which is mainly due to the supposed exigencies of party warfare, and which is a disgrace to any community calling itself civilized."

If this terrible calamity which we to-day deplore should have the effect of producing a better state of things in Greece, we shall not be without consolation. I cannot but express my opinion that this is an opportunity which this country may most legitimately use—this country which, even as one of the protecting Powers, might well interpose—to urge on Greece the necessity of putting an end to this anarchy. And the rights which this opportunity gives us of remonstrance, and more than remonstrance, are such that I own that to me it will be a disappointment if, in the result, it should not happen that, in addition to those strict inquiries after the guilty, and the punishment of the guilty if they are detected, which have been already demanded—in addition to that reparation which the Greek Government has offered to the only persons connected with this misfortune to whom, probably, any pecuniary reparation would be useful or acceptable—if our Government does not embrace this opportunity to impress on the Greek Government, in a manner that shall be effectual, the necessity and the duty of making the lives of British subjects and those in the employment of the British Crown safe hereafter in that country. Sure I am, from what I read in these Papers, that the other Governments of Europe will concur in any measures that may be necessary to enforce that duty upon the Greek Government. But surer still I am that, if that course should be taken, it will of all other States in the world most redound to the benefit and the credit of Greece itself, and make the day when these calamities happened, and when this Government required due reparation for them, a day for ever to be remembered among the brightest in the annals of Greece, not, indeed, for this crime and the shame that accompanied the crime, but for those consequences of a happier and a better future which the reparation of this crime may afterwards and in the end produce. Before I conclude, by putting the Question of which I have given Notice to the Government, I beg to say for myself that I see nothing in these Papers on the part of the noble Lord at the head of the Foreign Office which in any degree whatever has led me to doubt that he and the Government of which he is a Member will do their duty on this occasion. It was not, in the smallest degree, from any such doubt that I was induced to bring forward this matter. On the contrary, I acknowledge most cheerfully that the tone which pervades every one of that noble Lord's despatches is in every way worthy of himself and of this country. But I trust that Her Majesty's Government will not think it amiss that the Question should be publicly put to them which I now venture to ask—namely, Whether they are able to state to the House what measures have been or will be taken to obtain from the Greek Government such satisfaction for this unprecedented outrage as Her Majesty is entitled to claim according to the Law of Nations, and to ensure the due protection, for the future, of the lives of the Diplomatic servants and other subjects of the British Crown within the Kingdom of Greece?

SIR HENRY LYTTON BULWER:* Sir, nothing but the cruel death of my dear and intimate friend Mr. Herbert would induce me to take any part in this debate; and before I do so, let me fulfil my first duty in bearing my sad but willing testimony to the gentle disposition, to the high and chivalrous character, and to the excellent abilities of a gentleman who, if he had been spared, would have added to the list of eminent men who already illustrate the noble family to which he belonged. Sir, in the sad history of the tragedy with which his name is connected, we have but this one consolation, that it records the humane disposition of our Minister at Athens, the noble language of our Minister for Foreign Affairs in England, and the gallant spirit of our unfortunate countrymen, who died as heroically as any of those whose fame incited them to visit the plain of Marathon. I will now shortly explain the nature of the Motion which I propose to submit to the House. It will be asked, when I condemn so strongly as I do the conduct of the Government of Greece, whether I should not prescribe a course to be pursued in consequence of that conduct. I am a Member of Parliament; Papers on this subject have been laid before Parliament, which I have examined; they force upon me a certain conviction, and it is my duty, as a Member of Parliament, to express that conviction; but I am not a Member of the Government; I have full confidence in the Government, and having done my duty, I wish to leave it to do its duty freely. It would be superfluous to follow my hon. and learned Friend (Sir Roundell Palmer) through all the details of this case—details which he has explained so fully and so clearly. I will simply say that, whilst I think we have no right to demand satisfaction from a foreign Government, because British subjects travelling in the country of that Government meet in an ordinary way with accidents, we have here persons not travelling through a country and meeting with accidents there in an ordinary way, but persons going to a particular spot under a particular guarantee, arrested by bandits dwelling habitually on the lands of the Minister who gave these unfortunate gentlemen their escort. Nor are all these gentlemen mere travellers—amongst them are the Secretaries of two Legations, one of those Legations being that of a State to which Greece owes her independence, and of which the safety of the meanest citizen ought to be a sacred trust to every Greek who remembers the cession of the Ionian Islands and the battle of Navarino. Negligence and supineness, however, are passive faults for which excuses may be offered; but when I blame the Greek Government, it is not only for negligence, but also for mischievous activity, which was the especial cause of the calamity we are deploring. I cannot deny that I participate in the regret expressed by my hon. and learned Friend that our Minister lost any time in listening to the disquisitions of Athenian lawyers. I wish he had said to the Government of Greece—I am here speaking of the question of an amnesty—"There is an International Law more powerful than any law of Greece, which tells you to protect as inviolable those who have been accredited to your Court upon the implied pledge that you would provide for their security." There is also a law of hospitality, a law of generosity, if I do not say one of gratitude, each of which is 100 times more powerful than the law of the Greek Constitution, framed without an idea of its being applied to such a case as this. But it is easier to criticize after events have taken place than to act in them. The position of Mr. Erskine, moreover, was most difficult; his willingness to take personal responsibility is proved by the offer of a British vessel of war, when he could not but feel uncertain as to whether so extraordinary a step would be sanctioned at home; and knowing him personally, I can answer that it was from no selfish fear as to the exercise of his own rights, but from an over-scrupulous regard for what he thought might be the rights of others, that he did not overrule with a higher hand and a more determined authority the punctilious conscience of those gentlemen who were more alarmed at infringing legal technicalities than the principles of humanity, honour, and justice. But, Sir, the question as to an amnesty is of less importance, since it so happened that the safety of the prisoners was not finally dependent on that question. The safety of the prisoners depended practically from first to last on the brigands not being pursued. From first to last, as my hon. and learned Friend has well explained, this was urged as the primary necessity for the captives' security. Mr. Herbert and Mr. Lloyd both said—"If the brigands are not pursued by the troops we shall be in safety." Mr. Erskine, in a letter to the Greek Minister for Foreign Affairs, claims a promise, which is granted, that the troops shall not be ordered to pursue the brigands, and our Minister actually sends to the brigands and informs them that they will not be pursued, and that they may resort to the villages and thus afford shelter to their captives without fear. The brigands act on this promise; and though the negotiation, on account of the denial of an amnesty, is prolonged, the captives feel no alarm as to their ultimate deliverance. All of a sudden everything changes. The Greek Government has been told it will have to pay the ransom, and from that moment feels peculiar regret for its past inertness, and determines to adopt a line of energy and action. What is the first step it takes?—It orders the troops to march on the brigands. This measure which it had been universally admitted hitherto would be our countrymen's destruction, is taken—as it is said—in zeal for their safety; and it is accompanied by sending a confidential agent to the brigands, a gentleman called Colonel Théagénis. The avowed mission of this gentleman is to calm the brigands' minds, to assure them that if they will allow themselves to be surrounded they will get their ransom, and, on delivering the captives, be allowed to escape; but to insist on the condition that they must allow themselves to be surrounded! With these orders Colonel Théagénis appears on the scene, and by way of calming the brigands' minds, says the promise for their not being molested is withdrawn—that if they attempt to move from the village where they are they will be shot; and, in fact, whilst telling the bandits they are to keep still, instils into them the conviction that their only chance for life is to run away. The captives see their danger; they write to Mr. Erskine. They tell him that their captors think they have been deceived and betrayed; they do not disguise that they themselves think that the word plighted to the robbers is being broken; they beg that the troops may be withdrawn, that more time may be given for negotiation; it is evident that they write in distress and with the conviction of extreme danger. At this dark moment, however, a ray of light appears. A Mr. Noel, an English gentleman, residing in the country, negotiates with the brigand band, and succeeds in obtaining a promise that if the troops will not molest or pursue them further they will release the captives, take the ransom, and depart in the British ship that has been offered. Mr. Erskine hears this and is delighted; M. Zaïmis also hears it. It is clear, I think, that M. Théagénis, who is on the spot, cannot be ignorant of it. What does M. Théagénis do? Does he withdraw his troops and allow the negotiation to continue; the prisoners to be saved; the ransom to be given; the brigands to escape? No. He has but a few hours to prevent this; he does prevent it. He presses on his troops; he still further irritates and alarms the men who have the fate of our countrymen in their hands, and he thus resumes an account of his success—

> "It appears that they—the brigands—have the intention or rather the resolution to advance towards Bœotia, and even further, and an attack against them can only expose to inevitable peril the lives of the prisoners, a peril which these gentlemen perfectly foresee.
>
> "To-morrow, with the troopers under my orders, I go to Salessi, to communicate to Captains Apostolidis and Liacopoulo, who are there, the determination of the Government to prevent, even by force, the advance of the band of the brigands towards Bœotia."

So this confidential agent of the Greek Government, Colonel Théagénis, who had been especially sent, as it was said, to save the captives, states coolly that he is going to do the thing which he knows will cost them their lives, and reports that he has done this, with the utmost indifference, and without the least apparent forethought that he shall displease the authorities he is acting under. There are other details; but I want no other details to show that Colonel Théagénis, the confidential agent of the Greek Government, was as much the murderer of the unhappy captives, as if he had shot them dead with his own hand, which would have been a less cruel destiny. It may be said that this officer had instructions with which Mr. Erskine was acquainted, and that if he did not act in the spirit of those instructions the Greek Government is not responsible. Nothing was easier than to give instructions to be shown to Mr. Erskine; but I am accustomed to look for the real instructions given to an agent in that agent's conduct. Besides, Colonel Théagénis has neither been disgraced nor reproved. There is nothing to disconnect him with those who employed him, and therefore I am justified in saying, that the real murderers of Mr. Herbert, Mr. Lloyd, Mr. Vyner, and the Italian Secretary of Legation, were—the Greek Ministers. In fact, it appears to me that, from first to last, two parties have been playing their small game of ambition with the lives of our countrymen. Those who were out of Office have been endeavouring to compromise those in power by instructing the brigands to make demands which, if granted, might lead to a Parliamentary attack; those who were in Office have been determined to avoid giving their opponents this advantage, while they were at the same time anxious to gain some increase of their own authority and prestige by a victory over the outlaws who had been consulting with their rivals, without caring that that victory could only be purchased by the lives of a few foreigners, whether Italians or English. Mark!—The safety of the captives was combined with the escape of the brigands and the payment of £25,000; their death was likely to destroy the brigands and save the ransom. I say, with a tremulous voice, that I fear the last alternative was deliberately chosen. I wish to heaven I were mistaken; but, with the fear I have not scrupled to declare, it is intolerable to me that we should be honouring the individuals who form the present Cabinet of the King of Greece with the title of "Excellency," and treating them with all the deference due to the representatives of a friendly and civilized State. But while I speak thus in respect to these men who fill at this moment official situations in Greece, I have no wish to confound with them the Greek nation. I have known that nation from my boyhood; I have resided in its towns; I have visited its almost inaccessible fastnesses; and I believe honestly and truly that, excepting a small clique of politicians in Athens, there is not one single man in Greece—whether amongst the commercial residents of the seaports, or the rural population of the mountains—who will not hear with horror the tale of treachery and blood which is to be found in the Papers before us. Let me continue to say, that no one admires more than I do the brilliant qualities for which the Greek race is remarkable; and I ask Gentlemen who have known Greeks out of their own country and not under their own Government, whether they have not found them cultivated, intelligent and honourable men? Nor is it the fact of crime being committed in that country and under that Government, but the fact that in that country and under that Government, crime raises no barrier, creates no distinction, which confuses my ideas and paralyzes my hopes. You see the assassin, his hands dripping with the blood of his innocent victim, in constant and cordial intercourse with the priest who directs his conscience; while the robber, who is lurking in ambush for the unwary traveller, lives on terms of the most friendly fraternity with the police, and has the satisfaction of having a Minister of State for the godfather of his children. This state of things brings me to the other question to which my Motion is especially directed. A friend of mine, better acquainted with the mysteries of Greek politics than I am, said to me—"Are you aware of what you are doing? Why, you may drive Zaïmis out of power; but if you drive Zaïmis out of power you will bring in Bulgaris, and Bulgaris is more connected with brigandage than Zaïmis." I cannot condescend, with the mangled bodies of my friends and countrymen before my eyes, to turn them down on the miserable arena of Greek politics, and to speculate on who may next misrule that unfortunate country which is under our protection. But if the men in power, who have justly incurred our indignation, can only, under the present system of Government prevalent in Greece, be succeeded by others less worthy than they—a fact on which I do not pronounce an opinion—that is not a reason for saying—"Let M. Zaïmis and his colleagues escape reprobation!" but it would be a reason for putting an end to a system under which either M. Zaïmis or M. Bulgaris must misgovern, and from which no good can be expected. I shall be told—"You want a strong Government in Greece; that is what the Russians want." If the Russians wish to have a Government in Greece which would preserve order and life, and we wish to have a Government there under which life and property are insecure—then, I say, all honour to the Russians. I do not fear to make that declaration, because during all my life I have given sufficient guarantees for the liberality of my opinions. I am for free institutions, wherever free institutions are practicable; but I do not pretend to say that the same institutions should be given to all nations. I do not know whether any Gentleman here has read a remarkable work by an American statesman—Mr. Calhoun — on *Free Government*, the greatest work written on this subject probably since the Decades of Macchiavelli. He says—

> "I hold it to be a disgrace to the noble character and nature of free institutions to maintain that every race or every state of society is fit to enjoy them."

When there was a question of giving a Sovereign to the Greeks, I confess I should have said to them—"You, who are so proud of your own intelligence and independence, make use of these qualities, and form a Government out of your own resources." Had that been done, Greece would, no doubt, have undergone an interregnum of strife and confusion, but would probably then have settled down into a series of small Republics, which, I believe, is the form of government best suited to the development of the Greek character. This was one line of policy to pursue; on the other hand, if we were determined to make a kingdom of Greece, I would not have placed the noble-minded Prince who is now there in the false position of a King, weighted with responsibility, but without an atom of power. I wish to see liberal government, I repeat, established in Greece; but, above all forms of government, whether liberal or despotic, I wish to have the reality of government. If we had left Greece alone, or could leave Greece alone, I should not be hasty in advising us again to meddle with it. But we created it, we undertook its guardianship, and the result of our management of one of the most intelligent people on the face of the earth is, after 40 years experience, a complicated machinery of intrigue and plunder, in which the place-hunter and the bandit live alternately on the State and the traveller, and into which we are compelled to inquire by a massacre which the conscience of the Greek Ministers did not permit it to prevent, and a short-sighted view of their interests led them, I apprehend and believe, to connive at. It is under these circumstances that I say—let us not suppose it a duty as the friends of constitutional government to support a Government which is a mockery on Constitutions, but rather let us endeavour, with the sanction of European opinion, to found some system which may not destroy the germs of liberty, but leave them under the shelter of order and law, without the protection of which they can never develop themselves. Such, Sir, are the arguments and reasons, imperfectly set forth at this late hour of the night, with which I propose my Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House, upon an examination of the Papers that have been laid before it concerning the recent massacres in Greece, feels itself called upon to express an opinion that the conduct of the Greek Ministers has been highly unsatisfactory, and that this House invites Her Majesty's Government to act as it thinks best on this opinion, and also to concert with its Allies as to the best means of establishing in Greece a Government capable of satisfying the ordinary requirements of a civilised state,"—(*Sir Henry Lytton Bulwer,*)

—instead thereof.

Sir Henry Lytton Bulwer

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GLADSTONE: Sir, I think the House, which has listened with great interest to the speeches delivered upon this painful and harrowing question, has been, unless I am much mistaken, under the apprehension that no practical question was to be submitted to it upon which it could be called upon to vote. Moreover, I think that impression must have been encouraged and confirmed by the form in which the Notice of my right hon. Friend (Sir Henry Lytton Bulwer) was placed upon the Paper, for it was not an Amendment to the Motion for your leaving the Chair, but it was an Amendment to the Motion of my hon. and learned Friend the Member for Richmond (Sir Roundell Palmer), in the event of that becoming a substantive proposition. I hope, therefore, I am right in assuming that my right hon. Friend does not intend to call upon the House at the present moment for the expression of an opinion which I think it is plain would be premature, and, possibly inconvenient. In that case I have only to say I rise for the purpose of answering, as well as I am able, the Question put by my hon. and learned Friend the Member for Richmond, and noticing one or two statements made in the course of this debate. As regards the general statement of principles with which my hon. and learned Friend prefaced his narrative, I apprehend that there is no very great likelihood of a difference of opinion between us, although the mode in which those principles are to be applied must necessarily depend upon a more full and connected statement of the facts than any we have yet received. That a special sanctity attaches to the person of an Ambassador or a Minister accredited to a foreign Court, and not only to him, but likewise extends to those engaged under him in a diplomatic capacity—that when such persons are received by a State, the State which receives them is bound to use every effort and to exhaust all its resources, if need be, for their security, and that it cannot plead its own municipal laws for its failure in discharging any obligation towards them which grow out of the principles and rules of International Law—these, I presume, are propositions about which there is no doubt in any portion of this House. When we come to matters of fact I am sure my hon. and learned Friend, as well as my right hon. Friend who followed him, will feel that it is no merely formal or technical appeal which I make to the indulgence of the House—indeed, I am sure they will not only excuse but approve my conduct—if I ask to be permitted to speak at this moment on this painful subject with great reserve. It is one thing for an independent Member of this House to use his liberty, and to express freely and frankly the presumptions, however unfavourable to a foreign Government, that may appear to him to arise out of a statement of facts as laid before us; but they stand in a different position who are responsible in connection with the Executive, and who have not merely to discharge the duty of laying before the country the impressions which they may have received, but who have an important part to play in vindicating the rights of this country within the limits fixed by justice and International Law, and who likewise, in this particular instance, find their character of parties in the case complicated by that other character which we bear as one of the Protecting Powers towards Greece, in which we may be said to be her guardians and even her champions. With respect to the facts of this case taken in the first stage, this question arises, whether the Hellenic Government extended towards the persons travelling, considered as travellers or as diplomatic agents of this country and of Italy, that protection to which they were entitled? I speak on that subject conditionally, not because I wish to contest the proposition which has been laid down by my hon. and learned Friend with regard to it, but because the time has not yet arrived when it becomes the duty of Her Majesty's Government to fortify themselves with the best legal advice which they can command in respect of that particular question. Even on this point of preliminary protection before the capture, I do not think we are in a position absolutely to pronounce an opinion. It is quite evident that the organization of the Greek Government and the relations of its Departments one to another are such as to present us with the facts in a state of disconnectedness, which renders it very difficult to comprehend them when we apply to the examination of them those rules which are applicable to the action of every regularly organized Government having its Departments in proper and due relation one to the other. My hon. and learned Friend has referred to the part taken by the Minister of the Interior, and no one can give even a cursory examination to these Papers without noticing the singularity of the relations between the proceedings of that Minister and the proceedings of the Minister of War. Then with regard to what occurred after the capture of our countrymen, as we proceed further in the narrative we get into deeper and deeper complications. This, in truth, is the darkest portion of the whole; because these secret clandestine relations which appear to have prevailed between the brigands and parties in Athens are, perhaps, the most important and critical part of the whole subject. It is at this point that we seem to touch on what connects this melancholy tragedy with defects of political and social organization that lift it altogether out of the category of a common and isolated occurrence, and make it a question entailing the necessity of a deeper insight—if we can attain to it—than we have ever yet possessed into the true interior condition of Greek society and Greek statesmanship. I ought to say that there is one portion of these relations which does not appear to me to be so obscure, or to raise questions of so much difficulty as belongs to another portion of them. I mean that which describes the communications which seem to have passed familiarly between the brigands and the villagers and local authorities of Greece. These communications I think are, after all, not very hard to understand, and do not of necessity imply anything discreditable to the parties who carried them on, because I apprehend that, in a country with a feeble and ill-organized Executive, a local magistrate sitting in his own residence and receiving a visit from a party of brigands of this description is absolutely under duress, and in no respect compromises or commits himself by receiving the communications they may make to him. But whatever may be the value of this remark, it is perfectly plain that it has no relation whatever to the communications and the connections which were probably established between these lawless persons nad their agents in Athens, who, whether they belong to the category of Parliamentary leaders in Greece, or whether it was only professional assistance which they rendered, yet whose figures are so darkly shadowed forth to us in these Papers that they must be considered as presenting to us one of the most important elements of this case, and one which requires most thoroughly to be examined before we can arrive at a final judgment on the subject. Then, with regard to the third stage of this deplorable proceeding—the execution of the measures taken for the deliverance of the captives. It will be necessary to consider were these measures taken in good faith, were they judiciously conceived, were they defeated through the impetuosity or the fault of the bandits, or were they defeated either through error or through fraud on the part of the agents of the Greek Government? I cannot for a moment think of questioning the propositions of my hon. and learned Friend or of my right hon. Friend as far as they amount to this—that the appearances upon this part of the case are at present most unsatisfactory, and leave much requiring to be explained. At the same time there is another question which we must also take into view—a question which covers all those that have gone before—and it is, how far did the proceedings taken by the Greek Government correspond with or fall short of the demands made on the part of the Government of England? For it is quite plain that there might be principles tenable in the abstract, good in law, and good in sense, and yet which we may not be in a condition to urge in their full breadth, and to take the benefit of for our own purposes, unless we had urged them in the course of these proceedings. And here I must say one word with respect to a gentleman whose conduct has not been specially canvassed in this discussion. My hon. and learned Friend has taken the opportunity of paying a just tribute to the noble conduct of the King of the Hellenes, and my right hon. Friend has paid a tribute—which I, for one, believe to be no less just—to the general character of the Greek population; but there is another person whose part in this matter has been most arduous—I mean Mr. Erskine. His position was one of difficulty such as it is hardly possible for us to conceive. He had unfortunately been deprived, through accidental circumstances, of a most useful and valuable assistant, and thus a great deduction was made from the force, necessarily slender, of his Legation. He was compelled to carry on communications the most irregular, the most anxious, at all hours of the day and night, with all persons, under all the difficulties of language—and these are so great that hardly any Englishman can acquire entire and absolute familiarity with them as far as verbal communication is concerned. In his communications with the Government at home he had to contend with extraordinary difficulties, from the necessity, on the one hand, of guarding those communications against intrusion by the use of cipher; and, on the other hand, from a degree of feebleness and error in the telegraphic department, such as to increase his embarrassments and anxieties to a degree hardly to be conceived. And I think it is the feeling of the country, as it is the feeling of my noble Friend the Secretary of State for Foreign Affairs, and of the Government, that we have much reason to acknowledge the zeal, the ability, the high principle and right feeling with which Mr. Erskine has laboured in the discharge of his duties. But we must not be surprised even if we find at an ulterior stage of this investigation that there were principles, or rather rules, of International Law, arising out of the peculiar relations of diplomatic persons to the Courts at which they are received, to which it was impossible for him, acting on the exigencies of the moment, to give that full and dispassionate consideration by which alone it would have been possible for him to arrive at those comprehensive views which are naturally entertained by my hon. and learned Friend in his place in this House. Now, Sir, this matter has presented itself in the first instance to the minds of the people of this country as a grievous and dire calamity. It would have been, under any circumstances, an event filling us with grief and horror, and that grief and horror have been quickened in the minds of the Government and the people of this country by those circumstances of deep and touching interest connected with the persons and characters of the victims of this outrage to which justice has been so well done by my hon. and learned

Friend and my right hon. Friend behind me. But while to us it is a grievous and shocking tragedy, it appears likely to be a great event in the history of Greece. It must tend to an opening up of circumstances connected with the condition of that country such as probably former times have never afforded an adequate occasion for bringing up. The nature and the root of brigandage in Greece is of itself a subject of the utmost interest, because it connects itself with the political position of that country and with the unfortunate and, as it appears on occasions, the almost irresistible temptation, arising, perhaps, from the prevalence of national sympathies, to mix itself in quarrels in which it has no title to interfere that can be recognized by any principles of International Law. Then, again, comes the question, as to what are the institutions of Greece, and I hope my right hon. Friend will forgive me if I venture still to cherish a desire that we may be able to discover some other remedy for these mischiefs, and other guarantees against their recurrence in the future than that most unsatisfactory one, which I can only regard as a rough and ready proceeding to which many may be tempted who are friends of constitutional principles, and to which the enemies of constitutional principles will have the strongest predisposition—namely, that of charging these faults upon the popular institutions of the country. I do not pretend to give any opinion as to the nature of the measures to be taken; but this I must say—that, so far as I have ever been able to consider, the difficulty of Greece lies in the fact that the Turkish domination, which so long subsisted there, erased and effaced from Greek society all the natural influences of superior intelligence, education, rank, descent, and property, and left little but poverty on the face of the land. The consequence is that it is the class called upon to govern that is defective in Greece, far more than the class which is to be governed, and, consequently, the problem is a most difficult one, and will require the most grave consideration from the representatives of this country, which has peculiar obligations in respect of freedom in the face of Europe and the world, before they arrive at the conclusion that it is to popular institutions that this internal disorganization is to be ascribed. Well, the condition of the Government, as I have said, is one that places them under different and almost conflicting liabilities. Our first duty is to ascertain absolutely the facts of the case. My hon. and learned Friend very naturally asks—

> "What measures have been, or will be taken to obtain from the Greek Government such satisfaction for this unprecedented outrage as Her Majesty is entitled to claim according to the Law of Nations, and to insure the due protection, for the future, of the lives of the Diplomatic servants, and other subjects of the British Crown, within the Kingdom of Greece?"

To a certain extent my hon. and learned Friend approaches this question in a spirit of perfect candour, and so far as the Government is concerned has supplied the answer to his own Question, so far—that is to say, as any steps are concerned which it has been in the power of the Government to take. I gladly gather from his speech and the speech of my right hon. Friend that they do not think that these steps have been neglected. To demand the fullest examination of the facts; to suggest all the heads to which that examination should be addressed, as far as we could undertake the office of suggestion; to require on our part the means of a full participation, or at least a full cognizance of every step connected with the inquiry; and, likewise, to make the reasonable claim that at the proper time, and yet not before the proper time—a point of no small importance—condign punishment should be inflicted upon the guilty—these were duties for which I do not say that my noble Friend deserves special credit, because they were the obvious duties of the moment; but I am glad to think that in the view of the House they have been fulfilled with alacrity, temper, and zeal. I hope the House will appreciate the consideration to which I have just adverted—namely, that the punishment of the immediately guilty agents in these transactions should not come too soon; because there are many passages of history in many countries from which we well know that these immediately guilty agents are but the tools and instruments of others, and that their too ready and too rapid removal from the scene is, in fact, one of the best and most effectual means of suppressing essential portions of the truth. As to the future, when we are in the full possession of the facts of the case—and some weeks may possible elapse before we may hope to be in that position—it will then be our duty most carefully and comprehensively to consider what obligations arise out of a clear view of the facts. We have to discharge our duty as an independent State, and to consider what we ought to ask from Greece in that capacity. But we have also to consider a very difficult and delicate question as to the limits which mark off our province as an independent State from that other province in which we have to act in combination with other Powers, whose honour and credit are pledged to the successful handling of the work which was achieved 40 years ago, and with regard to the result of which the best we can say is that, up to the present time, it has met with but a qualified success. My hon. and learned Friend speaks of satisfaction to be obtained for this unprecedented outrage, and I am glad to see that the phrase obtains from him the generous and wise construction which I fully hoped it would obtain. When he asks for satisfaction to us he desires not that which would be injurious but beneficial to Greece. There are two lines of action—that which is to heal the wounded feelings and possibly stay the rising resentment of the British nation; and that line of action is parallel with and immediately neighbouring to another line of action which would result in the measures required for the safety, honour, and happiness of Greece. Whatever attains this latter end will also attain the former. It is a consolation in these circumstances to think that there are no selfish purposes to pursue, and no vengeful purposes, because the condition of Greece is such as to make it impossible that she should be, in the body of her people, a fitting object of punishment for the miscarriages or misconduct of her Government, provided we find ourselves in a condition to be able to obtain that best reparation which would consist in securities against the recurrence of similar evils. Among the portions of the available evidence respecting this unhappy case which are not yet examined, there is the evidence of Yates, who served on board the steamer, and who appears to have said at the time of the catastrophe that he did not dare, for fear of the Greek Government, to state what he had seen, though he had seen the final catastrophe. It is possible that his evidence may be of the greatest importance in its bearing upon the final details of the catastrophe. I refer to it for the purpose of saying that, though it was perfectly natural that he, as an isolated individual in the service of the Greek Government, should be afraid of offending his masters, yet, from the moment that this question has assumed its present international dimensions, the people of this country cannot have the smallest reason to apprehend that any obstacle can or will be placed between them and the most thorough and searching examination of the truth. The power we possess is more than ample for such a purpose, and I am bound to say I have a sufficient belief in the public sentiment of Greece, imperfect as may be the form in which that sentiment is expressed, to feel a strong conviction that when my hon. and learned Friend referred to the free expression of opinion in a certain journal of that country, he referred not to an isolated fact but to an indication that these transactions will be properly viewed and appreciated, and that the sentiment of the Greek nation and of the Greek Government in regard to them will in all substantial respects correspond with our own. Sir, I do not know that I need, especially at this hour of the night, go further into detail with the necessarily meagre communication which I could undertake to make to the House. But adverting to the tone of the comments of my right hon. Friend and of my hon. and learned Friend upon the conduct thus far of the Government, upon the steps which they have taken, and the spirit in which they have proceeded, I beg them to believe that such as that conduct has been in the past it will be in the future—that we are sensible of the gravity of the question which has arisen out of these deplorable events, and that we shall endeavour to act throughout the course of the transactions in such a manner as may befit the dignity and the duty of this country.

Sir HENRY LYTTON BULWER said, he would beg leave to withdraw his Amendment.

Amendment and Original Question, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn*.

Committee *deferred* till *Monday* next.

METROPOLITAN BOARD OF WORKS LOANS (STAMP DUTY) BILL.

Resolutions *reported;*

1. "That, in lieu of the Stamp Duty now chargeable on the transfer of any Metropolitan Consolidated Stock already issued, the Metropolitan Board of Works shall pay to the Commissioners of Inland Revenue the sum of £9,895 2*s.* 6*d.*"

2. "That, in lieu of the Stamp Duty now chargeable on the transfer of any Metropolitan Consolidated Stock and of any Metropolitan Terminable Annuities to be hereafter issued or granted, the said Board shall pay to the said Commissioners a sum calculated at the rate of seven shillings and sixpence for every full sum of £100 and for every fractional part of £100 of such Stock and Annuities, on the issue or grant thereof."

Resolutions *agreed to:* — Bill *ordered* to be brought in by Mr. DODSON, Mr. CHANCELLOR of the EXCHEQUER, and Mr. STANSFELD.

Bill *presented,* and read the first time. [Bill 132.]

WAGES ATTACHMENT ABOLITION BILL.

On Motion of Mr. STEVENSON, Bill to abolish Attachment of Wages, *ordered* to be brought in by Mr. STEVENSON, Mr. CANDLISH, and Mr. MUNDELLA.

Bill *presented,* and read the first time. [Bill 131.]

PUBLIC HEALTH (SCOTLAND) SUPPLEMENTAL BILL.

On Motion of The LORD ADVOCATE, Bill to confirm Provisional Orders under "The Public Health (Scotland) Act, 1867," relating to the burghs of Brechin and Fraserburgh, *ordered* to be brought in by The LORD ADVOCATE and Mr. ADAM.

Bill *presented,* and read the first time. [Bill 136.]

CUSTOMS AND INLAND REVENUE BILL.

Bill "to grant certain Duties of Customs and Inland Revenue, and to repeal and alter other Duties of Customs and Inland Revenue," *presented,* and read the first time. [Bill 133.]

GUN LICENCES BILL.

Bill "to grant a Duty of Excise on Licences to use Guns," *presented,* and read the first time. [Bill 134.]

STAMP DUTIES BILL.

Bill "for granting certain Stamp Duties in lieu of Duties of the same kind now payable under various Acts, and consolidating and amending provisions relating thereto," *presented,* and read the first time. [Bill 135.]

House adjourned at Three o'clock, till Monday next.

HOUSE OF LORDS,

Monday, 23rd May, 1870.

MINUTES.] — PUBLIC BILLS—*First Reading*—Wine and Beerhouse Act (1869) Amendment* (109).

Second Reading — Attorneys and Solicitors Remuneration * (86).

Committee—Report—Poor Relief (Metropolis) * (97).

GREECE—MURDER OF BRITISH SUBJECTS.—OBSERVATIONS.

THE EARL OF CARNARVON: My Lords, I have undertaken a task extremely difficult to anyone under the circumstances, and peculiarly difficult to me. It is always painful to repeat a tale of suffering occasioned by violence and treachery; but it is doubly painful when private affections and personal feelings are concerned. But though my words may fail altogether to carry out the sentiments I desire to express, I will at least promise the House this—that I will appeal to no argument which I do not believe to be strictly fair, and I will press no fair argument to an unfair conclusion. It is the privilege—the highest privilege—of this House to be a High Court of Appeal, to which many have appealed, and not in vain, and I venture this evening to ask your Lordships to allow me to appeal to you—to this House—aye, and to appeal beyond you to that country on which, after all, this House depends, and without which you—this House—are nothing. I appeal, I hope, in no spirit of passionate or indiscriminate vengeance, but, at the same time, in a temper of resentment which is not unreasonable—a temper of just and righteous indignation which I believe neither an individual nor a nation can afford to disregard. My Lords, when I read the letters—the last touching letters—in this correspondence from those who are no more, it seems to me that they are a charge which presses on Parliament and the country, and about which Parliament cannot be indifferent. Their blood seems to be now crying out of the ground to us — because even of those who were the mere blind, brutal agents in the murder, a very small part indeed have expiated their crime; the larger proportion are still at large, with little prospect of being brought to justice. The facts are so fresh in your Lordships' recollection that I need not go with any great detail into the circumstances of the case. It will be sufficient for me to recapitulate as clearly and briefly as I can the different events in their order, that your Lordships may understand the comments which I shall make upon them.

On Monday, the 11th of last month, the party, whose names are well known, started from Athens on an excursion to Marathon. On their return they were captured by a band of Greek brigands. One of the party was released and sent back to Athens with a demand, first of all, for a ransom of £32,000, which was subsequently reduced to one of £25,000. At the same time distinct threats were held out that in the event of pursuit being attempted or any military operations being undertaken against them the lives of the prisoners would be forfeited. On Thursday, the 14th, the news had reached England, and even before the evening of the 14th the necessary ransom had been provided in London. But meanwhile the brigands had somewhat changed their terms. It was no longer the mere ransom which they demanded, but the ransom and an amnesty. The Greek Government said they could not give that amnesty. I do not stop at present to discuss that point. They simply refused the amnesty; but at the same time, on the urgent application of Mr. Erskine and the Italian Minister, they gave a solemn and distinct promise that no military operations should be undertaken, and that no troops should be sent in pursuit of the brigands. The English Minister, moreover, addressed a direct communication to the brigands not only assuring them of this solemn engagement, but also informing them that if they would treat the prisoners well—if they would descend from their vantage ground in the mountains to a place where the prisoners might be kept in comparative comfort but in security—they should not be molested. My Lords, this was on Thursday; on Saturday, the 16th, two days afterwards, the brigands had altogether complied with the entreaties of the foreign Ministers. The prisoners were brought down to the village of Oropos, in the plain close by the seaboard, and we have every reason to believe that they were made as comfortable as circumstances would allow. Then ensued negotiations—negotiations in which various persons played various parts. On the one hand, there was Colonel Théagénis—of whom I shall have to speak presently—who was sent by the Greek Government with words of peace on his lips, but, if actions are any interpreters, with war at his heart. He conducted those negotiations for several days on behalf of the Government. An Englishman resident in Eubœa—Mr. Noel—of whose judgment, courage, and ability it is impossible to speak too highly, volunteered his services on behalf of the prisoners, and all but successfully accomplished the object in view. Lastly, Mr. Erskine, departing rightly and courageously, as I think, from the reserve which he supposed to be imposed upon him, went so far as to offer a ship of war to transport the brigands from Greece if they insisted upon it. Those negotiations lasted from Saturday the 16th to Wednesday the 20th. On the 20th an ominous change occurred. For one or two days previously, it is clear from the correspondence before us, troops had been silently moved up. At all events, on Wednesday, the 20th, the brigands became aware that military operations were threatened. They remonstrated against this as a breach of solemn faith, and again repeated in the most unmistakeable terms the threat that if an attack by the military were made they would massacre every one of the prisoners. This threat apparently did not produce its effect on the mind of Colonel Théagénis, or, if he saw clearly what the result would be, it did not deter him from the military operations. The cordon of troops was drawn tighter; and on the following day the brigands became exasperated at the prospect of troops appearing on the scene. Still, if only prudence and discretion had been used, no life would have been sacrificed, for we have the distinct statement of Mr. Noel that if one day more had been allowed him for negotiations—if this fatal step had not been recklessly pressed on—all would have been well. We have in these Papers a telegram from him, dated Thursday, half-past 1 o'clock—two or three hours before the frightful tragedy—in which he said the detachments must not pursue, and that the brigands would accept the terms offered them. It was a question of a very few hours. But the troops pressed on. The brigands took alarm. They crossed the river; they advanced northward. They found themselves suddenly confronted by, or at any rate, in the sight of, troops. They took to flight. At this critical conjuncture there appeared on the right, on the seaboard, a Greek man-of-war; and then at the same fatal moment there is every reason to believe the troops fired upon the brigands. Not even then —for they seem to have had a marvellous forbearance—even then they did not murder the prisoners immediately, but after retreating some distance further they effected the horrible massacre. These, my Lords, are the facts of the case. It would be unbecoming in me to attempt to portray the high character of those who fell. Though one may lament them, though one may regret them, though there may be wounds which no time can heal, so far as personal feeling goes, I cannot utter a lament over those who fell without a murmur, without one unmanly word—with that English courage which refused to say a single syllable which could compromise anybody—but with the sympathy of a great country with them. Nor will I say anything as to the official character which two of those gentlemen possessed. I will not pause to argue what amount of political sanctity is thrown around the person of one who is attached to a Legation or Embassy. I will not draw distinctions here. They all, Englishmen and Italian, fell together, united in death, and I will not separate them in argument. The question I have to ask is, who was responsible for this act? My Lords, I wish to proceed as dispassionately as possible. Everyone will admit that there were three certain causes which led to their death; and that but for those three causes they would unquestionably be living at this moment. There was first of all the assurance of safety given to them before they left Athens; secondly, there was the refusal of the Greek Government to grant the amnesty; thirdly, there was the movement of troops. Now, whatever may be thought as to the right or wrong of these causes, there can be no doubt that if the Greek Government had not given these assurances of safety, or if they had granted the amnesty, or if they had not moved troops, the catastrophe would not have occured. With regard to the first cause—at the end of March or beginning of April there appeared in the newspapers—and in the Government newspapers if I mistake not—a formal announcement that brigandage was suppressed in Greece, and credit was taken by them that that evil had been rooted out by the exertions of the Government. But that was not all. Inquiry was made to the proper accredited channel. Through the Legation inquiry was twice made to the Greek authorities whether or not the road to Marathon was safe. They were assured it was safe—that the idea of danger was almost ridiculous; but an escort was given as a matter of form, consisting only of four mounted troopers; and though it is true a large body was subsequently in the day sent, there is nothing to show even in these Papers that these troops were sent for the special purpose of watching over the safety of the travellers. Even if it was so, there is still less to show that they communicated with the prisoners. One of the soldiers, indeed, says that such a communication was made; but it is denied by the dragoman, and two of the party, who spoke Greek fluently, certainly would have understood such a communication if it had been made. It will hardly be believed that, while these assurances of safety were given, the acting Minister of the Interior on this very same day, the 11th, reports to his subordinate officer that brigands were supposed to be on this very Marathon road, which had a very few hours before been declared to be safe by the authorities. Was there ever a more extraordinary proceeding? But after the capture had taken place what was the conduct of the Greek Government? After the capture the terms required were an amnesty. Now, my noble Friend opposite (the Earl of Clarendon) has most effectually disposed of the frivolity of the objections entertained to granting an amnesty. They were entertained, it is said, forsooth, on constitutional grounds. Why, a constitutional Ministry surely has the power of taking to itself such an act of authority, and then of going to the Legislature for an indemnity, if necessary; and if they feared to ask for an indemnity it only shows that they preferred their places and their salaries to the lives of the prisoners. In other countries where law is settled, where the Constitution has been faithfully observed for generation after generation, these arguments might, no doubt, be of force.

It might be all very well in those cases to plead the principles of abstract law; but where you have, as in Greece, a Government which notoriously treats with brigands—which has, even in this case, agents and emissaries passing between them; when successive Ministers have been notoriously concerned in brigandage, and have been accused of sharing the plunder; when the whole public life of constitutional Greece for many years has been the negation of law, are you then to tell me that abstract law is to be observed, and that they who have violated it in every conceivable instance are to have the impudence of straining at a gnat after swallowing a camel, and to declare that they abide by the letter of the law, though the lives of Englishmen are at stake? My Lords, if even the amnesty had been ultimately declined, was it right to cut all negotiations short by a peremptory refusal, and to put the lives of the prisoners to imminent hazard? But the whole argument is utterly frivolous. If that amnesty had been granted no man can doubt that the lives of the prisoners were safe. The Greek Government, however, refused it; and not only did they refuse that, but they refused every other means that would have saved the lives of the prisoners; they refused a pardon, they refused a formal trial, they refused a special commission:—and what was the alternative which they chose? Why, the movement of troops. Now, if there be one thing more absolutely certain than another, it is that the movement of troops in such circumstances as these was fatal to the prisoners. There was not a Greek in Athens who was not perfectly aware of this. This is not an isolated case, for it had happened over and over again. There was the case of Lord John Hervey and Mr. Strutt, two years ago. Their safety consisted in their distance from Athens, out of reach of negotiations by the Government; and the solitary danger to which they were exposed was the movement of troops. There was a Greek Minister two years ago (M. Soteropoulos), who was carried off by brigands, and who published a very remarkable account of his captivity. That work has been translated into English, and it records the whole transaction. The one danger he underwent was when troops were moved up. The brigands, like many other guilds and corporations, have certain fixed laws to which they are inflexibly bound, and from which they cannot swerve without holding themselves disgraced in the eyes of the fraternity and destroying their vocation; and amongst those laws is the rule to allow no rescue of prisoners by armed force. It is, in truth, founded on the plain common sense of the matter that if a rescue were possible their hideous trade would be at an end. They were therefore bound; and you have, moreover, the statement of every one of the prisoners that the very day they were captured came a solemn warning that the first movement of troops would be followed by the sacrifice of their lives. Mr. Erskine felt this, too, so keenly that he obtained from the Minister of War and President of the Council a solemn engagement that troops should not be moved. The brigands accepted that assurance, and on the faith of it they descended from their vantage ground in the mountains, and placed themselves at a disadvantage, with the open plain on the south, with the Negropont on the right, and, as it afterwards turned out, with troops on the north. The movement of troops, therefore, was certain death; and yet that step was taken. Even the agent of the Government, Colonel Théagénis, before he had adopted the fatal step, was quite aware that any movement of troops would be fatal, for, writing on the 20th, the day previous, he said—

> "It appears that the brigands intend to move towards Bœotia, and an attack directed against them must expose the lives of the captives to inevitable danger."

Again, later on, after the transaction, he says his object was to surround the village and to prevent the brigands

> "making a sortie, after killing the captives, according to their custom. . . . . . The customs of brigands in these cases with regard to their prisoners are well known."

Mr. Noel, moreover, writing to Mr. Erskine on the 22nd, says—

> "The death of the captives was certain, as I previously wrote, the moment the troops came into collision with the brigands."

Such being the case, there must either have been the grossest mismanagement, or—though I almost shrink from saying it—there must have been criminal intention. Now, gross mismanagement there no doubt was. Will it be believed that when Colonel Théagénis tried to surround the village he absolutely refused the offer of 300 French Marines, who probably would, at all events, have made the attempt successful, and so far might have given a chance to the prisoners? He failed to surround them, and the flight took place. Even then, when the brigands found themselves confronted by the troops, they sent a messenger with a warning to Colonel Théagénis that if they were pursued further the lives of the prisoners would be forfeited; yet, still the pursuit was continued. The brigands were attacked, the prisoners were murdered, and then, as if in irony, two-thirds of the band were allowed to escape. It may be said, indeed, that Mr. Erskine, our Minister, consented to the movement of those troops. Now, I regret that he should ever have given any consent, however qualified. I hope that that consent was guarded by many restrictions which were subsequently set at naught by the Government, and I do not doubt that it was wrung from him by a multitude of considerations, and by urgent entreaty. I am bound also to admit that Mr. Erskine's position seems to me to have been one of peculiar difficulty. He was left alone and single-handed in the midst of a semi-barbarous people, to deal as he could with the emergency; and I should be ungenerous and unjust if I failed to make the utmost allowance for a man who, I believe, to the very best of his power, exerted every effort, mental and physical, to secure the release of the captives. I must, however, put a question to my noble Friend on this point. It is said, and upon good authority, that while Mr. Erskine was thus contending single-handed he telegraphed to Constantinople, to Mr. Barron, our *Chargé d'Affaires* there, to obtain the assistance of a Secretary of Legation, who was already under orders to sail to Athens; that that telegram reached this gentleman in time; that Mr. Watson was ready to start by the steamer the very next day; and that he was prevented by Mr. Barron, the *Chargé d'Affaires.* Now, I do not know what the justifying circumstances may have been, I can only say that they ought to have been circumstances of the highest moment—which, as far as I know, had no existence — to have justified Mr. Barron in refusing his co-operation.

Having shown that there were certain causes which led to this massacre; that those were causes for which the responsibility unquestionably attaches to the Greek Government; and that that Government took the wrong course, I have now to ask whether there was a motive which could possibly determine them to pursue that course. On the first blush there is a great mystery. Here are Englishmen and an Italian taken by brigands. An enormous ransom is asked —£25,000—enough to make this small band of 21, rich men for the rest of their lives. The cash is absolutely there, all told out ready for their acceptance. The conditions offered to them are most reasonable, and, on the other hand, brigand law is perfectly well understood. The result of an attack upon the brigands is certain, as Colonel Théagénis himself acknowledged—and yet two days afterwards he makes that attack. Now, I say, on the first blush, there is a mystery, and we are not altogether unjustified in asking what motives can be assigned for the course pursued by the Greek Government? Can you say that it was an error of judgment on their part? I wish I could reasonably think so. My belief is that whatever other merits or defects an Eastern people may have, stupidity is not generally one of them. They generally know pretty well what they are doing and what they mean to effect. Consider what the position of the Greek Government locally was. At the beginning of the month they had formally announced that brigandage through their exertions had been suppressed. They had staked their credit on this fact. A fortnight afterwards their statements are falsified by the capture of these unfortunate persons. We see by the Papers that they were already being attacked on all sides. The Opposition threatened a violent attack. The English and Italian Ministers told them in so many words that they would be held responsible for all the consequences; and what did they see before them? They saw as the only probable solution of their difficulties that an English ship of war would transport the brigands elsewhere, and that they would ultimately be called upon to pay the ransom. They must have felt that they would be discredited; that the moment the Legislature met they would lose their places; but, on the other hand, that they would recover their reputation if by a sudden stroke they succeeded in restoring the prisoners to liberty, while they would avoid the payment of money under any circumstances, even if they failed and even if the prisoners fell victims to the brigands. These are strong inducements to men who are actuated by no high principle. But it is not sufficient to look merely at these motives. It is only fair and just in making such an indirect charge, to ask whether the whole character and conduct of the Government give colour to such an explanation? Now, was there any one step taken by the Greek Government which was not really calculated to bring about the tragedy which ensued? Was there any one step which they might have taken to prevent it which they did not refuse to take? They refused an amnesty; they refused a formal trial; they refused a special commission; and, though I have seen it otherwise stated in the newspapers, I say, on the authority of the official papers, and without fear of contradiction, that they never offered to provide a halfpenny of the ransom. That was provided by merchants at Athens. Again, it is a subject of ceaseless blame in the letters of the prisoners that the agents sent by the Greek Government were men of no weight with the brigands. It appears, too—and it is an extraordinary picture—that there were emissaries and agents passing from the brigands to the Government and *vice versâ;* that they were in Athens, walking about, apparently in full relation to both parties, in the town and outside the town; that when the brigands met troops with officers at their head they fraternized, and even sat down to dine with them, although they were apparently in numbers equal, or very nearly equal, to them. There is, moreover, a circumstance which, I trust, has not escaped the eye of my noble Friend—the very unsatisfactory manner in which, at the most critical moment of the transaction, telegrams were delayed. The Italian Minister complains of it, and says it is absolutely inconceivable how it occurred. There is, further, the statement of the correspondent of *The Times*—a gentleman who has lived so long at Athens that no man is more conversant with the state of things there, and whose statements are worthy of great consideration—that at the commencement of this transaction the Prefect of Eubœa delayed a telegram to Mr. Noel which was of the most vital consequence, requesting him to send as negotiator to the brigands one of their own brothers, who would have had special weight and consideration with them. What has become of that Prefect? Have the Greek Government called him to account? Again, Mr. Noel tells you that there was a subordinate official who, at the very crisis of the matter, when time was counted by minutes not by hours, absolutely prevented his having a boat to bring him on to the scene of action. What has been done to him? I do not say this in any fault-finding spirit with regard to my noble Friend opposite. He has done everything in his power, and exerted himself to the utmost in the earlier part of the transaction, most courteously entertaining any suggestion that I ventured to make to him. Concealment is part of the policy of the Greek Government. General Soutzos' intimacy with Greek brigands is notorious. He has resigned; but is his resignation to hush up whatever may have occurred of a questionable nature? Colonel Théagénis, even, who distinctly foresaw the result and yet precipitated it, is he not to be called to some account? He remains in office, apparently honoured and trusted by the Greek Government. There is not a word in the correspondence in which he does not appear as their trusted and confidential servant. And what is the conduct of the Government themselves? Where the Government has placed itself in so suspicious a position, what ought you to expect? Why, clearly this—that they should come forward and say—"We will be the first to make clear every part of the transaction as far as we are concerned. We court every inquiry, and investigation of the most rigid nature." But what is actually their conduct? I have read in the last issue of Papers, with an astonishment which I cannot express, that the Greek Government have absolutely been raising obstacles in the way of the English lawyers sent out to Athens by my noble Friend to watch the proceedings and cross-examine the witnesses. Not content with that, the Council of Ministers have absolutely refused Mr. Erskine and the Italian Minister permission to be present at the examination of witnesses, because, forsooth, it is to be carried on in secresy. My Lords, I do not so trust the Greek Government, as to be willing to confide to their secresy in this matter, and I trust the English Parliament and the English people will not be content to accept that excuse any more than my noble Friend opposite has done. There is something else, moreover. When the Greek gunboat appeared on the coast, at the time of this frightful murder, there was in her rigging a Scotch engineer with a field glass at his eye. He had watched all the transactions for a long time, and he was probably within a few hundred yards of the scene of the actual murder; but he had also seen what occurred before the murder, and in two passages in this correspondence he states that he would willingly tell what he saw if he dared; but he does not dare, for fear of displeasing his employers, the Greek Government. Now, what ought to be the conduct of any Government or individual under such circumstances? Why, not only to release Mr. Yates from any obligation to secresy, but even to insist on his telling what he saw. I am glad my noble Friend is not disposed to accept the explanation of the Greek Government. It is not difficult for us to guess what Mr. Yates saw. He saw that which it is the object of Colonel Théagénis to conceal. He saw that the troops attacked the brigands before the brigands murdered the prisoners. You have this significant fact, that not one soldier was killed—I believe not one even wounded—while six or seven of the brigands were shot down. The brigands felt themselves in an extremity; the strength of their unfortunate captives was exhausted, and not till then—not till some of their own comrades had fallen—did they murder them. In one case the captive was carried several miles before he was murdered. Lastly, you have the unimpeachable evidence—evidence of a witness who tells you that the soldiers themselves told him that the bodies of the brigands who had been shot down were lying between Oropos and Dilessi, where the murder occurred; that they were, therefore, lying some half-hour back on the road before the time when the first murder occurred. He himself the next morning saw the birds of prey hovering over the corpses of the brigands. I say, then, this is a case against the Greek Government which, at all events, justifies the terms of my question. It justifies me in saying that the gravest suspicion attaches to them. I wish I could say that no suspicion attached to the Opposition; but there is the distinct statement of the Greek Prime Minister that these matters were stirred up and fomented by leading members of the Opposition. I know that M. Zaïmis, the Greek Minister, has since formerly contradicted this statement, and has attempted to explain it away—but the attempted contradiction has signally failed, and the fact remains. You have it stated by the brigands themselves—stated in different forms—that great personages in the background at Athens were in active correspondence with them; there is also the deposition of the captured brigands that men came out to them to negotiate. It is, indeed, certain that confabulations on more than one occasion occurred between strangers, apparently from Athens, with the brigand chief; and, last of all, letters are found on the person of that chief purporting to be written by a person in authority, in which the brigands are entreated to insist on the amnesty which the Government had refused as impracticable. From all these facts, I say neither the Greek Opposition nor the Greek Government themselves can claim to be free from all suspicion of complicity. Amid all this wretched scene of political devilry and social corruption there is but one figure which commands my respect or sympathy. The Greek King, at least, was worthy of his position as a Danish gentleman, and knew how to conduct himself, even in the midst of the corruption by which he was surrounded, and to express the horror he felt at these acts of blood and treachery. This, then, is the state of the case. The Opposition, as I believe, encouraged the brigands in demands which they knew were not to be granted; the subordinates of the Government thwarted the negotiations as they arose; and, lastly, the Government themselves jeopardized and, as it turned out, sacrificed the lives of the prisoners, from an affected punctilio of respect to the Constitution. It was a faction fight, a political game, the counters of which were the lives of the unfortunate prisoners, and the prize of which was some paltry office at Athens.

What, under all these circumstances,

remains to be done? My noble Friend opposite has done much. I am sure his sympathy is true. I am sure he is anxious to do all he can. But let me remind the House what this country has done for Greece. We established her independence. We have assumed the position of a Protecting Power. We have given her money; we have given her credit; we have given her territory, and in order to do that we have stripped ourselves of one of our fairest possessions; and finally, at the last change of dynasty, we guaranteed £4,000 a year to the reigning Sovereign. What, on the other hand, has Greece done for us — or, I may say, for the whole world? She has accepted our money, she has received our benefits, not hesitating to abuse them afterwards; she has taken the Ionian Islands; and if there is any truth in the Parliamentary Papers issued some years ago, she has already succeeded in breaking up their prosperity. She has lastly dishonoured our Protectorate. In 1854, as my noble Friend will well remember—for no despatches could be keener or sharper than his on that point—she stirred up insurrection in Thessaly and Epirus, and made herself the hotbed of insurrection and intrigue in the East. More recently, in Crete, she very nearly lit up the flames of a European war. And now, lastly, she suffers English and Italian subjects, who had every sanction that could attach to peaceable subjects of friendly Governments, to be foully murdered a few miles from Athens; while the members of the Government have placed themselves in a position of such suspicion that they may justly be called upon to say whether or not they are guilty of complicity. Under these circumstances they take refuge in a secret investigation, and refuse us a full and open inquiry. My Lords, the English people are a very forbearing people. Our enemies sometimes tell us that the old fire of the English character has burnt out like straw, and that a nation whose acts and words has now passed into mere wind and tongue, and counts for absolutely nothing but a second-rate Power. We have talked so much of non-intervention that we have deceived ourselves and a good many other nations; and allow me to say—very sorrowfully, and not by way of complaint against any Administration—that by our system we so tie the hands of our Ministers abroad that it is impossible for them to act; while we, nevertheless, expect them to show vigour when the emergency arises. If Mr. Erskine, as soon as he heard of the capture, had ordered our fleet to Athens—if, as perhaps a French Minister would have done, he had said to the Government—"We hold you individually and collectively responsible for the release of the prisoners"—does anybody doubt that the catastrophe would have been averted? If, however, it had been thus averted, there are a good many persons in England who would have found fault with Mr. Erskine, and many who have blamed my noble Friend for having gone so far beyond the ordinary sphere of conventional English diplomacy as to offer a ship-of-war for the conveyance of the brigands to another country. Now, if England chooses to proclaim herself to the world as a second-rate Power she must take the consequences. She must understand that all over the globe she will be taken at her word, and set down at the value at which she estimates herself. I will not embarrass my noble Friend by suggesting courses of action to him, for it might put him in a difficult position to reply to me. One thing only I will say—that this is not a case where the mere execution of the brigands is sufficient. I see by the last Papers that several persons who are said to be brigands have been executed. My noble Friend will do well to consider whether there is any proof that they are really brigands, or whether, according to a fashion so common in the East, peasants and other innocent or *quasi* innocent persons are not sacrificed. In the next place, no mere diplomatic apology will, I hope, be accepted as sufficient; nor any mere retirement of Ministers, on whose character I do not care to dwell. What we want—what I believe the English people desire and claim—is that there should be a full, clear, perfectly just trial of every single person, no matter what his rank or class, against whom there can be any fair suspicion of complicity with these foul murders. It may be said that the Courts are in a very unsettled state, and that an appeal to a bad, corrupt, or incompetent tribunal is equivalent to no appeal at all. I can only say that this complaint is not new—that we have been in that position before with other countries—it is no new case to my noble Friend; and I do not pretend to tell him how to deal with it; but what the English people will require is a perfectly just trial of every person who may be suspected of complicity in this transaction. In the next place, I think we have an ultimate duty to discharge to the world at large. We undertook the protection of Greece — we undertook certain duties; and this occurrence is enough to show how signally we have failed in discharging them. If the victims had not been English subjects—had they been Austrians or Prussians—what answer could we have made had those Governments required the lives of their subjects at our hands? Could we have replied that for years and years past, while we were nominally discharging the duties of a Protecting Power, we allowed a state of iniquitous lawlessness to grow up, such as exists, probably, in no other part of Europe? My Lords, the facts that have been lately transacted in the face of the world show how insufficient, how inadequate, how worse than useless our protection has been.

My Lords, I have now accomplished the task I have undertaken—how insufficiently, no one can be more sensible than myself: I commit the matter to the House. I commit it also to that which is greater and beyond the House—to the sense of justice of the English people. I trust I have said nothing to embarrass my noble Friend, or to prejudice the action Her Majesty's Government may see fit to take. I admit the difficulties of the case; but what I wish is that the world should know that English life-blood is not to be poured out like dirty water into the kennel; and that my noble Friend opposite should also know that he has Parliament and the country at his back, in any demands which he may make for the maintenance of English honour and in justice to the dead." The noble Earl concluded by asking Her Majesty's Government, What measures they are prepared to adopt to obtain redress from the Greek Government for the recent seizure in the immediate neighbourhood of Athens and the barbarous murder of English subjects under circumstances of grave suspicion attaching to the Greek Government and certain other persons, both in and out of Office, in that country.

THE EARL OF CLARENDON: My Lords, I am sure I shall only be representing the feelings of your Lordships' House when I say with what deep interest and attention we have listened to the speech of my noble Friend. It is impossible that this question could have been brought forward in a more discreet and temperate spirit than has been shown by my noble Friend. I cannot wonder that he should have desired to take the earliest opportunity of bringing this lamentable subject before this House, and, as he has said, before the country —of publicly sifting the causes that have led to this terrible catastrophe, and of invoking exemplary punishment on the heads of all, whatever may be their rank or position, who have been in any way connected with it. I am so far from blaming him that I do not even wonder that my noble Friend has pursued this course as most satisfactory to his own feelings, and which I am sure he conscientiously believes will be most conducive to the cause of justice. But, in my opinion, a discussion of this question at the present moment is not likely to lead to any practical result. If there had been any shortcoming on the part of the Government, if it had displayed any lack of vigour, of ardour, or of earnestness in this great calamity—if Papers had been withheld, or if any information were shown to have been obtained, and were not forthcoming, then indeed I should have thought a discussion not only necessary, but imperatively called for. But such is not the case. My noble Friend attributes no blame to the Government: on the contrary, I must express my thanks to him for the manner in which he has approved the course taken by the Government; and I can assure him that it is no small comfort and consolation to us to think that the relatives of these unfortunate men do not consider that any single practicable measure for their safety was neglected at our hands. But, my Lords, no information has been asked for because none has been withheld. We have, from the first, been most anxious that every information connected with this tragical event, which, more than any other in my recollection, has stirred up the hearts and minds of the people of this country —my most anxious desire has been that every information should, at the earliest moment, be laid upon the Table. I believe I can say that every despatch and every telegram of importance has been quickly printed, distributed, and laid before the country. Your Lordships, therefore, and the public are just as well able as the Government to judge of the precise state of things. You know that the trial of the brigand prisoners was to commence the day before yesterday; but, perhaps, you do not know that a telegram has been received this afternoon which states that—

> "Seven of the Arvanitaioi brigands, of whom, however, three were captured previous to the affair at Delissi, were condemned to death this morning, after a trial which lasted 13 hours."

Whether these seven were among the brigands who actually committed the murders I do not know; but I have no doubt that evidence, which tends to throw great light upon the transaction, must have been elicited in the course of this 13 hours inquiry. We know that investigations of a very important character are now being conducted at Athens; and I must say of these that Mr. Erskine considers they are conducted with as much speed as possible. The evidence is constantly varying, it is contradictory, and it is imperfect. For instance, your Lordships will have in your hands to-morrow a despatch from Sir Augustus Paget, giving an account of the examination, lasting several hours, of Count Boyl's servant, who was said to have expressed some strong opinions as to the complicity of the courier-guide, Alexander. The result of this examination, in which Sir Augustus Paget and the Secretary of Legation took an active part, appears to be that the subsequent examination was of a different tenor, and that they had been led into error. Again, it was only yesterday that we heard of the very important letter—to which my noble Friend has alluded—written by some person of importance, which was found on the body of the brigand chief, and the writer of which was supposed to have been discovered; as yet, however, we have not got the information. We know, again, that several persons in public and political positions are supposed to be connected generally with brigandage, and, possibly, with this late outbreak and horrible crime; but as yet no proof has been brought home to them. I say, then, that the evidence is incomplete—the case has not been made up—we are not yet in a position to decide upon the the relative and collective accountability of anybody in Greece, and therefore we are not in a position to arrive at any decision with respect to what we ought to do; and even if we were—even if we had that information, even if we were aware of all the circumstances on which we ought to found a decision—I am sure your Lordships will admit that it would be imprudent, and that it would tend to frustrate the object which we have in view, if I were to make a communication prematurely to this House. I can heartily sympathize with my noble Friend in his wishes. He cannot possibly desire more than I do that the necessary representations on the part of this country should promptly and properly be made. But he will understand the reticence which I must feel, and the responsibility under which I speak not only as to what we may do, but as to what we may not do. I shall not even refer to those various measures, whether of retribution or of intervention, which the public horror and indignation have suggested. I do not think it would serve any practical purpose if I were to follow my noble Friend through the history of what has happened—first, because he has himself referred to the circumstances at length, and with the utmost perspicuity and clearness; and, secondly, because they are known to your Lordships, all of whom, I doubt not, have read the minutest details of harrowing interest which have been laid before you. Nor do I think it would be useful to comment upon them. But I wish to say one or two words as to questions that have been touched upon by my noble Friend—first, as to the amnesty; and, secondly, as to the diplomatic character of two of the victims. I am glad to allude to the question of amnesty, because some strictures have been passed upon me for having disregarded the claim of the Greek Government to make the Constitution of Greece a bar to the grant of an amnesty at the moment when the lives of my countrymen were in jeopardy. My Lords, I did disregard that plea, because I knew how often the Greek Constitution had been violated. I especially bore in mind, when writing upon that subject, that only three years ago, in the year 1867, a large number of notorious brigands were released, in violation of the Constitution, and sent to Crete to play the *rôle* of so-called patriots, and to raise the flame of insurrection in a neighbouring and friendly country; and I did think that a similar course might be taken when the lives of my fellow-countrymen were at stake—I did expect that an equally indulgent view might be taken of what the Constitution of Greece would permit. I believe I am not mistaken in supposing that an hon. and learned Friend of mine, in "another place," (Sir Roundell Palmer) justified my disregarding the Constitution of Greece in this particular, as far as two of the prisoners were concerned, on the ground that they were invested with the diplomatic character. Truth compels me to state that whatever I did, I did it to save the lives of all the four prisoners, and with no other view. Whether rightly or wrongly, I should have acted precisely in the same manner on behalf of Mr. Vyner and Mr. Lloyd as on behalf of any person connected with the Embassy. I know well the great privileges of Ambassadors, and of all that belongs to them. I know that their persons are inviolate, that their residences may not be entered, and that their households are protected. They are protected not only by International Law, but in this country by statute law; for by a most remarkable statute of Queen Anne, passed on the occasion of the Russian Ambassador having been arrested, immunities and privileges are secured to the diplomatic body which they scarcely enjoy in any other country. But I cannot think that a sacred halo attends the Minister, his secretaries, and *attachés* wherever they travel about the country. I admit that ancient writers—and, indeed, modern writers—lay down distinctly the International Law, when they say of the representative of the Sovereign that his person must be sacred *eundo, morando, et redeundo;* but I think that doctrine applied to different times and to a different state of things, when the passage of the Ambassador to or from the frontier was sometimes a pageant and sometimes a danger; and, without saying that International Law has been changed, I think that forms and practices under the International Law may change, and do change, according to times and customs, and particularly with reference to the freedom of action and great facility of communication that now prevails. Now, no Minister or Secretary would take the trouble of informing the Government of his intended movements in order that he should have any special protection in a country where there is no real apprehension of danger. In Greece there was this apprehension of danger, and such protection was afforded when it was asked for. Supposing it possible, therefore, that we were to make a scale of reparation for the gentlemen who have been murdered, I doubt very much whether we should be justified in claiming a higher reparation in the case of Mr. Herbert than in that of Mr. Vyner. In the case of the murder of Mr. Herbert, which was an offence against International Law, which overrides municipal law, we certainly might—as would certainly have been done in olden times—we might have claimed the surrender of the assassin, either from distrust of the tribunals of the country, or because we chose to have the execution of justice in our own hands. But I may be allowed to point out that in this, as in all similar cases, the assertion of special rights and privileges is often accompanied by special difficulties. A case in point will occur to many of your Lordships. I refer to the case of Mr. Sullivan, who, in 1857, was our Consul General at Lima, and who, while at dinner in his own house, was shot by a man who entered the room with a blunderbuss, and was wounded so badly that he died a few days afterwards. The Peruvian Government, full of indignation and horror, offered us every reparation in their power—all we might choose to demand, or to accept, if it were offered—the surrender of the assassin. The answer of our Law Officers was, that it could not be done. The application was made to them specially on this ground—that our *Chargé d' Affaires* was shot in the British Legation House, which was, for all purposes, British territory. But the opinion of our Law Officers was, that we could not accept the surrender of the criminal if the offer should be made; because, being a foreigner, and not a subject of the Queen, he was not amenable to English law; and that the fact of the murder having been committed in what might be called British territory, did not confer upon the English tribunals the power or privilege of trying the assassin. The consequence was that the murderer was tried by the tribunals of his own country—as the assassins of Mr. Herbert and his countrymen will be—and that the Government contented itself in that case, as it will in this, with watching the proceedings, and examining, if necessary, the witnesses. It is quite true that—as my noble Friend has said—the Greek Government has manifested an unwillingness to admit of this intervention on our part, which we regard to be absolutely necessary. Your Lordships will have seen by the Papers that have been laid before you that the refusal, on the part of the Greek Government, is absolute, and that it is founded upon the provisions of the 2nd and 3rd Articles of the Code. I lost no time in submitting these Articles to my hon. and learned Friend on the Woolsack, and I have his high authority for stating that—

> "The clauses of the Code quoted by M. Valaority, in his letter of the 12th of May, do not prohibit the Judges from relaxing the rule as to an injured party not being allowed to claim as of right to be present during preliminary proceedings if the Judges think proper to do so; and in every country the tribunal can control its own procedure so as best to secure justice. In the present case, where England has such a right as she now has of demanding the fullest information from Greece, it is clear that the Greek Government is bound to permit your presence, supported by your advocates, and that it is in no way impeded by the Code from doing so."

To give up such a right would be to surrender justice when England is entitled to demand the fullest information from Greece, while it is satisfactory to find it is in no way impeded by the Articles of the Code. I think, therefore, your Lordships will be of opinion that Her Majesty's Government have taken every possible precaution against a failure of justice. I must add there is no appearance of any avoidable delay on the part of the Greek Government in following up this matter, and we must as best we can restrain our impatience till the investigation now in progress is completed. We shall then know where complicity exists, and to whom culpability attaches; we shall then be better informed than we now are of the extent of those social and political ramifications underground which are the curse and scourge of the country. We shall then, also, be able to form a more accurate idea of the extent to which these deplorable murders may be made the occasion of a better future for Greece. And I do not think that that is impossible—because during the last month the Government, having been honestly active, have done more to assist and disperse the brigands than has been done in whole years before. I hold in my hand a telegram dated Constantinople, May 22, 4·20 p.m., stating that—

> "The Governor General of Janina informs the Porte that a band of 15 Greek brigands captured three shepherds near Trikala, in Thessaly, and took them to Cataro, at two leagues from the frontier, where they put them to death. Turkish frontier guard pursued them across the boundary, gave information to the Greek troops, who have not been able to capture them."

It is quite a mistake to suppose that the Greek peasantry sympathize with brigandage—the brigands do nothing but oppress and plunder them, and they never receive any share of the plunder. The people of Greece are peaceable and industrious, and if they lived under a Government which attended to their welfare, they would thrive and prosper. But we must not only remember in this case what is due to the Government and people of Greece, but we must also remember what is due to the King of Greece, to whom my noble Friend referred in very just terms. We must remember that the King of Greece is there not of his own seeking, but that he had been placed there by the three Protecting Powers; and it must be said for him that, young as he is, he has well justified his selection. We all know how prominently he came forward, and with what excellent feelings, as soon as the news of the capture of the travellers reached him; and how warmly he afterwards expressed his sense of humiliation that such a catastrophe should have happened in a kingdom over which he was ruler. My Lords, he has had other humiliations to bear, and of a kind hard to be borne; but he has never swerved from the strictest constitutional principles—he has never consented to govern otherwise than within the limits fixed by the law—and on those occasions in which it was possible for him to make his personal influence immediately felt, he had always shown the greatest courage and prudence. It is not the fault of his Majesty, but of the weakness and corruption of successive Administrations, that brigandage, which is demoralizing all classes in that country, yet remains to be put down. Its complete suppression is, my Lords, the *sine quâ non* of that progress in Greece which the Protecting Powers have so long and so vainly looked for at the hands of her ruling men, who neglect the substance of national prosperity in clutching at the shadow of their own idle and visionary dreams. When and how far this good work is to be accomplished—how far it may have the support of the Greek Government—how far the public men of the country may awake to a sense of her true national interests—how far the advice of foreign Powers may be regarded—these are all points on which no solution has yet been arrived at. I need not remind your Lordships that the position is one of peculiar embarrassment, seeing that Greece is under the protection of three independent Powers; but I do not doubt—on the contrary, I do certainly trust—that France and Russia will be found to concur with us in anything that we can show to be conducive to sound and honest government in Greece. My Lords, I know it is not regular to allude to what passed the other night in "another place;" but I cannot doubt that your Lordships have all read and approved the opinions expressed on this subject by my right hon. Friend who is at the head of the Government with reference to the conduct of Mr. Erskine. My Lords, holding the Office I have the honour to fill, I feel I should be wanting in my duty if I did not express my opinion of the ability with which Mr. Erskine has acted under circumstances of no ordinary difficulty—particularly having regard to the fact stated by the noble Earl with reference to the Secretary of Legation at Constantinople—a matter on which I have called for an explanation, which I have not yet received. Considering that Mr. Erskine had to communicate single-handed with the Foreign Minister, with his colleagues, with the brigands, with the captives, and with his own Government, it is not easy to realize the difficulties of conducting such a correspondence. Indeed, several of the enclosures received from him were written so irregularly and in so unintelligible a manner that they took some of the best men in the Foreign Office four hours to decipher them. If it were possible for us to put ourselves in the position of Mr. Erskine, we should feel that he did his best. My Lords, I cannot sit down without saying one word more. I had not the pleasure of a personal acquaintance with Mr. Herbert, but, from all the chiefs under whom he served, I have had the highest testimonies to his worth and ability; and surely no one can have read his touching diary—so full of composure, such total abnegation of himself, such entire unselfishness, such filial affection and thoughtfulness, such resignation to the terrible fate but too clearly foreseen—no one can have read that diary without a deep sense of his worth, and of the untimely end of so promising a career. I will detain your Lordships no longer, for I feel that nothing that I can now say—nothing that has been said "elsewhere"—is adequate to the sadness of the event, and also because I feel that no practical advantage can arise from further discussion at the present moment. Seeing that the investigation as to the murders is still pending, my noble Friend will be conscious that I can give no distinct answer to his question as to the course the Government may hereafter think it proper to take. I have already written, on the 7th of May, to Mr. Brailas-Armeni, stating—

> "I must take this opportunity of repeating that which I verbally stated to you yesterday, that the best proof of the sorrow of the Greek Government will be found in the investigation of this atrocious crime being thorough, complete, and sincere in its disregard of persons of whatever category, whom it may reach, and having for its sole object the truth. In demanding this Her Majesty's Government do not go beyond the strictest requirements of justice; and if the Greek Government neglects this opportunity of purging the country from the scandal of general brigandage, when the nation is roused to a sense of its fatal consequences, it may never again recur; but it will be some satisfaction to Her Majesty's Government if the fate of their murdered countrymen should serve to improve the condition of Greece, in which England has always taken a lively interest."

I can assure your Lordships that no efforts shall be wanting on our part to secure these two ends; and it may not, perhaps, be altogether presumptuous to express the hope that from this deed of blood we may date the commencement of a day of more real regeneration for Greece.

THE EARL OF MALMESBURY: My Lords, I rise with no intention of continuing the debate, but I feel it necessary to follow up what the noble Earl has said in reference to the position of Mr. Erskine at Athens when this deplorable occurrence took place. I trust that the noble Earl will inform himself how it happened that Mr. Erskine was alone in Athens. We must all of us know how comfortable and useful it is, in any difficulty that may overtake us in foreign countries, to find near us some Englishman, on whom we can rely for advice and personal assistance. It appears, however, that Mr. Erskine was, by some unfortunate chance, without the assistance which officially he ought to have had at the time of the capture. At the moment of this transaction the Legation at Athens was shorthanded, Mr. Erskine and the Secretary, Mr. Herbert, being the only members of the Legation there; so that when Mr. Herbert was taken by the brigands Mr. Erskine had the whole business of the Embassy thrown on him. The noble Earl (the Earl of Clarendon) has spoken of the time consumed in deciphering Mr. Erskine's despatches, owing to the evident marks of haste shown in the cipher writing — from this your Lordships may perceive that Mr. Erskine had to endure a vast amount of physical labour, in addition to the great weight on his mind in consequence of having to bear the whole responsibility of the position in which he found himself placed. I should, therefore, like to know why Mr. Erskine was left so shorthanded, and also why it was that assistance was prevented from being afforded to him from Constantinople, even when Mr. Erskine sent for it?

VISCOUNT STRATFORD DE REDCLIFFE said, he trusted that his long acquaintance with the affairs of the East, and with the circumstances which led to the establishment of the kingdom of Greece, would excuse him for offering a few words to their Lordships on this most sad and painful subject. He thought their Lordships must feel much indebted to the noble Earl (the Earl of Carnarvon) who had brought this matter to their notice, in a manner so honourable to any individual placed under such afflicting circumstances; and, although the Government must feel some natural difficulty in speaking out on such an occasion, he thought the sentiments expressed by his noble Friend the Secretary of State for Foreign Affairs would be echoed back from every part of the kingdom. He conceived, too, that the opinions expressed on the part of Her Majesty's Government must have a salutary effect, not merely in exciting horror and indignation in respect to this unparalleled atrocity, but in affording an assurance that Her Majesty's Government would contend with every difficulty in order to obtain a thorough investigation of the whole case. He thought, too, that what had occurred would strengthen the hands of Her Majesty's Government in redressing many of the grounds of complaint against the Government of Greece, especially he thought it would be well if Her Majesty's Government took advantage of this opportunity to secure that an end should be put not only to the system of brigandage, but to the circumstances in which it originated, and which tended to disappoint all the benevolent expectations entertained by the three Protecting Powers when the kingdom of Greece was called into existence. Allusion had been made to the generosity exhibited by the unfortunate victims of this atrocity, and certainly everyone who had read the Papers presented to Parliament must feel that the unfortunate victims of this unparalleled outrage had, by their patience, their courage, and the elevation of character they displayed, done honour to the country that gave them birth, and had made an impression that would endure in the memory of those who came after them. He concurred in thinking that the British representative at Athens was placed in circumstances which might fairly have been appealed to in his favour, even if he had happened to commit any noticeable error. He did not say that everything was done precisely as he might have himself advised; but it was clear that Mr. Erskine had striven to the best of his judgment to effect the rescue of the prisoners. Greece having shown on the several occasions to which his noble Friend had alluded that she was habitually at variance with those obligations of International Law the observance of which was necessary for the preservation of peace, we should be exposed to little danger of provoking an European war if we now discharged our duty to the full; but the recognition of that danger did seem to call upon us to view this subject, when the proper time should arrive, not only with reference to the well-known system of brigandage, but still more with reference to those circumstances of Greece and that condition of its government out of which brigandage springs, and with the continuance of which it was impossible that Greece should ever fulfil her international duties, or realize that degree of order and security which it was the object of the Protecting Powers to establish. He had intended to say more on the present occasion, but as it appeared to be the feeling of their Lordships that this was not a time for discussing the details of the question, and as he presumed that the Government would afford their Lordships an opportunity of discussing it on some future day, he would abstain for the moment from any further pursuit of the matter. It had been suggested that the present condition of Greece was largely attributable to the introduction of the monarchical form of government into that country, and he had even seen it stated that brigandage would never have existed if Greece had been governed by a number of republics. But he dismissed that view as an absurdity; and he pronounced it to be an equally mistaken notion that a great many of the evils of Greece arose from the want of more extended territory. He asked whether there was any reason to believe that the social relations of the Greek people had been at all improved by the addition of territory made to Greece when that very questionable measure, the transfer of the Ionian Islands, had taken place. In conclusion, he urged that whatever the Government thought proper to do they should keep in view the destruction of that system of brigandage out of which the late melancholy occurrence had arisen.

THE MARQUESS OF SALISBURY said, he could not allow the conversation to close without expressing the hope that the Government would not suppose there was any indifference on the part of that side of the House on this subject, or that they were showing any inclination towards a tame or spiritless course because they had listened to the appeal of the noble Earl (the Earl of Clarendon), and had not continued a discussion which he declared to be useless. He believed there was in the House a general feeling of gratitude to the noble Earl (the Earl of Carnarvon) for the manner in which he had brought forward this most important subject, and he believed, also, that there was a general feeling of confidence in the noble Earl at the head of the Foreign Office—and that it was encouraged by the manly and English sentiments he had expressed. He earnestly entreated the noble Earl not to attribute to indifference any apparent quiet or tranquillity on their Lordships' part.

THE EARL OF SHAFTESBURY said, he must express his thanks to the noble Earl who introduced the question for the manner in which he had done so. He would add that he believed the House and the country had entire confidence in the noble Earl at the head of the Foreign Office. He had shown in the past independence and judgment which there was every reason to trust he would exhibit in the further conduct of the negotiations.

House adjourned at a quarter past Seven o'clock, 'till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 23rd May, 1870.

MINUTES.]—WAYS AND MEANS—*considered in Committee.*

PUBLIC BILLS—*Ordered—First Reading*—Sale of Poisons (Ireland) * [140]; Extradition * [138]; Sligo and Cashel Disfranchisement * [139].

Second Reading—University Tests [105]; Annuity Tax Abolition (Edinburgh and Montrose, &c.) * [62]; Turnpike Acts Continuance, &c. * [125]; Public Health (Scotland) Supplemental * [136].

Committee—Report—Irish Land [29-137].

Third Reading—Gas and Water Facilities * [77]; Pier and Harbour Orders Confirmation * [117], and *passed.*

Withdrawn— Sale of Poisons, &c. (Ireland) * [122].

CHINA—CONSULAR ESTABLISHMENTS.

QUESTION.

MR. RYLANDS said, he wished to ask the Under Secretary of State for Foreign Affairs, If there has been a recent inquiry, conducted under the authority of the Government, into the Consular Establishment in China, with a view of effecting a reduction of the expenditure on account of the several Consulates; and, in that case, if he is willing to lay upon the Table of the House the Report of the Departmental Committee, if any, presented on the subject?

MR. OTWAY said, in reply, that the Papers had been laid on the Table in March or April last. There had been no departmental inquiry, because it was not the custom of the Foreign Office to institute inquiries of that kind; but in May or April of last year directions were sent to all the Consuls in China to make Reports on the various items of Consular expenditure in that country. These Reports, when received at the Foreign Office, had been examined by a gentleman thoroughly conversant with the matter, and the result of his labours had been that Lord Clarendon had been enabled to effect a reform in the system of auditing accounts and preparing the Estimates which would save to the public nearly £10,000 a year.

LETTERS OF OFFICERS ON FOREIGN STATIONS.—QUESTION.

Lord **HENRY SCOTT** said, he wished to ask the Secretary to the Treasury, Whether any recommendation has been made by the Treasury to the Lords Commissioners of the Admiralty which has led to the withdrawal of the privilege hitherto enjoyed by the Officers of Her Majesty's Navy while serving on Foreign Stations, enabling them to send letters to and to receive letters from their relations and friends at a reduced rate of postage; if he will state the reasons upon which the recommendation, if any, has been based; and, if he will lay upon the Table any Minutes or Correspondence which have passed between the Treasury and the Admiralty on the subject?

Mr. **STANSFELD** said, in reply, that for some time officers of Her Majesty's Navy, officers serving on board ships on foreign stations, and officers of the Army serving in India and other countries, enjoyed the privilege of sending letters home at a reduced rate of postage. Various technical and troublesome questions had arisen with reference to the conditions under which those officers became entitled to that privilege; but, independently of those considerations, it became necessary for Her Majesty's Government to look at the matter in relation to the contracts for the Packet Service, and to the fact that the postage charge very often fell upon the foreign dependencies where the officers were serving. It seemed, therefore, a matter of doubtful expediency that the Government should, of their own motion, grant a special exemption to their own subjects which fell upon the foreign dependencies; and for those reasons, and for the greater simplicity of the postal arrangements, it was thought desirable to withdraw the advantage from officers of the Army and Navy serving abroad. The change did not apply to the men. With reference to the production of the correspondence, he should speak to the noble Lord upon that point; but, meanwhile, he could assure him that it threw no additional light upon the matter, and that the decision of the Government was arrived at upon general grounds.

GREECE — THE COURIER, ALEXANDER ANEMOYANNI.—QUESTION.

Mr. **MONK** said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether the Courier, Alexander Anemoyanni, who accompanied our fellow-countrymen to Marathon on the 11th of April, is the same individual whose name appears in the Foreign Office List for 1870 as a Courier in the service of Her Majesty's Minister at Athens; and, if so, whether he was at the time of the massacre still in Her Majesty's Service, or when, and for what cause, he had been dismissed from that employment?

Mr. **OTWAY** said, in reply, that the courier, Alexander Anemoyanni, who accompanied the unfortunate party to Marathon, was the same person whose name appeared in the Foreign Office List as interpreter in the service of the Legation at Athens. The Foreign Office List, however, was not an official publication, although held in much esteem in the Foreign Office, and was not altogether free from errors. The facts with regard to this guide were these—Mr. Scarlett reported on the 8th of July, 1863, that he had appointed Alexander Anemoyanni messenger to the Mission; and, on the 19th of April of this year, Mr. Erskine reported that the man having misconducted himself it became necessary to replace him; but he did not explain in what respect he had misconducted himself, nor did he give the date of his dismissal. That, however, could be ascertained from the receipts of salary, from which it appeared that he was paid up to the 30th of September, 1866, and that his successor's salary commenced on the 1st of October. A period of nearly three years and a-half had, therefore, elapsed since he was in the service of the Legation.

UNIVERSITY TESTS BILL—[Bill 105.]

(*Mr. Dodson, Mr. Solicitor General, Mr. William Edward Forster.*)

SECOND READING.

Order for Second Reading read.

The **SOLICITOR GENERAL**, in rising to move that the Bill be now read a second time, said, he did not desire to delay by a single moment the passing of the measure, which he had always thought to be just, and now believed to be absolutely necessary. Nevertheless, he was unwilling that any misunderstanding as to its scope or its provisions should impede its progress, either in that House or elsewhere, if he was able in the slightest degree to contribute to the removal of those misunderstandings, whether they had arisen from the innate difficulty and delicacy of the subject itself, or whether they had been created, as was perfectly possible, by his own handling of the matter. He hoped, and, indeed, confidently expected that if the Legislature passed that Bill it would favourably settle at once and for ever the great religious difficulty in the Universities and Colleges of this country, and that with that difficulty once settled and put out of the way, the Universities would be able to go forward to those educational and academical improvements which he thought no fair man—especially with the events of the last few weeks in his memory—could deny to be wanting; which it was very desirable that the Universities themselves should take in hand if it were possible, but the undertaking of which the constant agitation of those religious questions tended most seriously and inevitably to delay. He did not think it necessary to repeat the historical review of that question, or to point out how the two Bills which formerly dealt separately with the Universities and the Colleges were now amalgamated into one. He would merely say that the only material difference between the Bill now before the House, and the one introduced last year, and passed by large majorities of the House of Commons, was that this Bill had incorporated into it the substance of the Amendment moved last year by the hon. Member for Brighton (Mr. Fawcett), the effect of which was, that, instead of the abolition of the tests being left to the various Colleges, to be adopted by them or not at their pleasure, those tests were abolished for them once for all by the power of Parliament. He was quite convinced that in that matter the hon. Member for Brighton was right and they were wrong. He was quite sure, on consideration, that if that was to be done at all, it was far better that it should be done for the Colleges by the Legislature, than that it should remain as a bone of angry contention, to be discussed, perhaps, for years with various results in the different common rooms. Indeed, he gathered that the Colleges themselves—on the assumption that something was to be done—would rather have it done in that way than have it left to themselves; and he thought some of his hon. Friends opposite, on that assumption, were also of the same opinion. That change, which was the only serious one, was made in the interests of the Universities and the Colleges themselves—in the interests of peace and good government with regard to places where it was exceedingly desirable that peace and unity of feeling should, if possible, prevail. There was no doubt, nevertheless, that the change proposed by the Bill, if passed, was in theory a very considerable change. He had always thought and said that the much narrower Bills with which, in bygone years, it was his fortune to be connected were important in point of theory—that in principle the change they proposed was great, although in practice it might turn out to be far less extensive than was apprehended. But there could be no doubt that if this Bill passed it would remove altogether the Parliamentary protection from the Church of England. It threw open the Colleges and the Universities alike to the whole bulk of the people; or, rather it provided that for the future no well-affected subject of the Queen should, upon grounds of religious opinion only, be debarred from the opportunity of sharing in the advantages of those magnificent foundations, and in their great and ennobling associations. Indeed, it had been said, and said by men in every way entitled to great respect, that the Bill did not make adequate provision for the maintenance of the present system of religious teaching and religious worship carried on in the Universities and Colleges, because it repealed certain sections in the statute of Charles II., commonly called the Act of Uniformity; and on the repeal of those sections there was nothing to prevent any form of worship other than that of the Church of England being set up in any of the Colleges. Now, that was a difficult and delicate question; and, no doubt, as far as the maintenance of discipline and worship depended exclusively on the direct and immediate effect of those sections in the statute of Charles

II., the repeal of those sections would withdraw that support. But those who made that objection hardly considered sufficiently the effect of two things. First of all there was the Saving Clause introduced into the Bill of last year by the hon. and learned Member for Richmond (Sir Roundell Palmer)—that Bill being in this respect identical with the present one; and, secondly, they did not sufficiently appreciate the effect of the enactments of the recent Act of Subscription upon the personal obligations of the clergy of the Church of England. By the effect of those enactments no clergyman in his public ministrations could use any other form of worship than that set down for him in the Book of Common Prayer; and, therefore, as long as there remained any clergymen of the Church of England in the Colleges to celebrate the services, they could by law celebrate no services other than those contained in the prayer book. It was in the highest degree improbable and extravagantly unlikely that in any reasonable time they could look forward to there being a serious difference in that state of things. No doubt in idea it was conceivable; but if the educated classes of this country, in the mass and in the bulk, represented roughly as they were by the Fellows of the Colleges of the Universities of Oxford and Cambridge, should ever become separated from the communion of the Church of England — a most highly improbable event—long before that happened the maintenance of that protection would have become impossible, and would probably have ceased even to be attempted. And when they further recollected the absolute necessity of setting free all Colleges to be founded in the future from the obligations imposed on existing Colleges by the operation of the Statute of Uniformity, it would be seen that that was a question beset with difficulties, of which he would say no more than that the Bill before the House afforded one plain, simple, and adequate solution. However, it was vain to deny that Churchmen must not shut their eyes to the fact that on the passing of that measure the Church of England would be bound to rely on her own inherent strength. Nor could he think that to any man fairly minded and reasonably acquainted with the history of this country that was or could be in any degree objectionable. The Church of England never was, or, at all events, had for many a long year ceased to be, the exclusive religious communion of the whole people of this country. During the period of the Reformation, and shortly after, it was perfectly true that the State endeavoured to enforce the observance of the State religion on all its subjects, and it persecuted with fearful and bloody atrocity every one who ventured to resist that iniquitous principle. During the same period, not the whole but a very considerable portion of the endowments now in question was secured to that exclusive religious communion by the effect of the Statutes of Supremacy and of Uniformity—not in form, he admitted, but inasmuch as after the passing of those statutes no one could enjoy the endowments who refused obedience to the enactments of those statutes, the substance of the matter was precisely the same as if the endowments had been in form transferrred. That time, thank God, had passed away, and its spirit also; but with that time and its spirit had likewise passed away the case for maintaining the enactments of that time. And surely it should not be to any of them, on whatever side they sat, a matter of regret—if they believed in the truth and power of the Church—that the Church should at last be driven to rely on itself. Its great present advantages, its pre-eminence in wealth, education, and position, its present possession of the ground which was the subject-matter of the contest—all those things were surely enough to make the Church enter into the contest, which they believed was impending without any craven fear on that subject. Certainly, he had no such fears. Deeply rooted, honest, and sincere as he believed those fears to be on the part of those who entertained them, he could not but believe them to be utterly baseless. He thought that to suppose there was no danger to the Church of England from the removal of such restrictions as those which would be dealt with by this Bill was to entertain a supposition unworthy of that great and venerable communion. Was the Church so weak and Dissent so strong that the one could only flourish by the Parliamentary oppression of the other? There were persons who apprehended that if the protection which the State afforded to the Church were withdrawn the Church must fall. He should be sorry to think so; he thought very differently; but even if he did not think differently, he would say this measure was a just one, and justice must be done. In this case, however, they could do justice without self-destruction, and he believed justice was the most magnanimous policy as well as the wisest for those who had the courage to pursue it. He did not expect to hear much to-night about this Bill being an attack on property. At any rate, his right hon. Friend the Member for the University of Cambridge (Mr. Spencer Walpole), or his two right hon. Friends the Members for the University of Oxford (Mr. Gathorne Hardy and Mr. Mowbray) were too well instructed in the history of this country not to know that such an argument on such a matter was utterly untenable. They knew well that Parliament from the earliest times had asserted with unmistakable emphasis its right to deal with property held in mortmain. They knew that the Parliament of England had not contented itself with the assertion, but had acted on that assertion over and over again. They knew that in the case of that very property Parliament so acted at the Reformation. For himself he must say that a term of 600 or 700 years, or even 300 or 400 years, was a sufficiently long time to give force to a founder's will. It was a sufficiently long time to allow a dead man to affect the opinions of the living. No one had ever held that such a thing could be perpetual, and no one had ever attempted to draw a line and say at which side of that line it would be wrong to interfere. The House must, therefore, come to the question of expediency, equity, and wisdom. This being so, he hoped it would be possible to conduct this discussion without temper, and without imputations of bad motives on the one side or the other. He should be very sorry if anything he might say were not in that spirit. His right hon. Friend the Member for the University of Oxford (Mr. Gathorne Hardy) had accused him of having put aside the language of conciliation, and spoken in rougher language when introducing this Bill. No doubt, everything ought to be done much better than it really was done; but he could assure the House that when moving for leave to bring in this Bill, he only wished to be distinct and plain. Not by his right hon. Friend, nor in that House, but elsewhere, the principle which he had the honour to advocate was the object of much misrepresentation and abuse of the most unusual kind, so unusual as to be a little disturbing. It was a pity that the defenders of existing institutions, especially those defenders who took up their position on Christianity, should forget one of the elementary doctrines of Christianity, and make misrepresentations as to other men's arguments and honesty. The Government had no other desire than to be conciliatory; they had not introduced the bitterness into this controversy. It might, perhaps, be foolish to recollect what had been said by foolish people. He must express his opinion that if this was a just measure there could be no better moment than the present for persons in the position of the Government to press it on the attention of the House. If they felt grateful, as a great many of them did, for the inestimable advantages they had received from the Colleges and Universities of this country, it was not unreasonable or discreditable of them to wish to extend to others benefits which they had themselves enjoyed. In the spirit of what they believed to be just and right, the Government must oppose any interference with the freedom and discretion of those who might wish to found educational institutions hereafter. As he had said before, men would if they pleased found exclusive institutions. If these were to be founded, it was better they should be founded openly and without any breach of the law; but the House would recollect that before any College could be incorporated with the University, a charter of incorporation must be granted by the Crown. That was the course with regard to Colleges founded since the Reformation—Downing College at Cambridge, founded in the last century, and Worcester and Pembroke Colleges at Oxford, founded, Worcester in the reigns of Anne and George I., and Pembroke in the reign of James I. In the present day, when the Crown acted on the advice of Ministers, and when Ministers were directly responsible to the people as represented in that House, it was not at all likely that any charter would be granted which ran much counter to the public opinion of the country. Such was the opinion of the Government, at all events. For himself, though he could not sympathize with an exclusive system in the Universities, neither could he sympathize with any attempt to limit men in the choice of the education they might choose to pay for when it was not immoral. The sub-section by which it was provided that nothing in this Bill should apply to the headship of any College was the result of what his right hon. Friend at the head of the Government considered to be an understanding between himself and a deputation from the Universities in a small and unimportant matter. He asked the House to read this Bill a second time, because he earnestly hoped and felt convinced that if Parliament only passed it into law we should see new life breathed into those old but vigorous institutions, and satisfy the just and reasonable expectations of many men, who were now artificially and, as he thought, unrighteously kept out of advantages which they claimed, and which hitherto had been denied to them without any corresponding advantage to religion, but with great and increasing mischief to the State.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Solicitor General.*)

MR. SPENCER WALPOLE said: Sir, I own I had expected, when the Government undertook to introduce a measure on this subject, that they would have endeavoured to frame it as to its most important provisions in such a manner as not to provoke unnecessary and increased opposition to it. I had further indulged the hope that they would so frame it as not to render it absolutely impossible for the Universities to accept it. But the measure itself, and the speech of my hon. and learned Friend (the Solicitor General) — conciliatory though that speech was in its tone— show that the question now being discussed is not one turning on the removal of tests to enable young and ardent minds not belonging to the Church of England to obtain the benefits of a University education. The Bill itself, and the language of my hon. and learned Friend, seem to me to point to a direct disruption of the connection which now subsists between the established religion of this country and our great Universities. Not only that, but, judging partly from the clauses of the Bill—whoever has framed them—and partly from the language of my hon. and learned Friend, the disestablishment of the Established Church of this country does not seem to be so far off, in the minds of some persons, as the world at large may suppose it to be. However that may be, I shall endeavour to discuss the Bill in a calm and conciliatory spirit; but let me remind my hon. and learned Friend that the course we took last year was anything but one which should have induced the Government to imagine that this could be received as a conciliatory measure. Will the right hon. Gentleman at the head of the Government permit me to remind him that last autumn the authorities of both the Universities of Oxford and Cambridge, made representations to him, not merely on the part of those who were desirous of supporting this Bill, but also on the part of those who had hitherto felt it to be their duty to oppose such a measure — to the effect, that they were anxious to put an end to this controversy by a fair and reasonable settlement of the question, if they were met in a frank and considerate spirit. But what has been the result of the deliberations with reference to this Bill? Well, that every suggestion offered on the one side has been adopted, while those offered by the other have been entirely disregarded. In my opinion there is one way alone in which the question could be satisfactorily settled, and that is that, while everything is done to enable the Nonconformists to enjoy the full benefit of University education, on the other hand, every safeguard should be provided that the religious character of the Colleges should not be impaired. The fault I find with the Bill is that, while it concedes all the demands of the Nonconformists, and more than satisfies their demands, it will actually weaken the existing safeguards for maintaining the religious character of the Colleges. Another objection to the Bill is that now, for the first time, it mixes up the two different parts of the subject—that which relates to the Universities and that which relates to the Colleges—in such a manner that it is impossible to separate the one from the other so that each part may receive a separate and distinct examination. These two parts of the Bill depend upon very different considerations, and in the measure which was introduced last year the distinction between them was carefully preserved. Under those circumstances, while it was possible to consent to the second reading of last year's Bill, with the view of altering in Committee that portion of it to which we objected, it is utterly out of the question that we should treat the present Bill otherwise than as a whole, or that we should do anything but seek to reject it altogether. I am aware that there are some who say that the distinction between the Universities and the Colleges with reference to this legislation is not one that ought to be regarded; and, indeed, in all the Petitions that have been presented in favour of the Bill that distinction appears to have been altogether ignored; while they seem to assume that the Dissenters are not now permitted to enjoy the advantages of University education. The assumption upon this latter point is founded upon a complete misconception of the facts of the case, because, under the existing law, there is nothing whatever to prevent the Nonconformists enjoying University education, although they cannot become Members of the Senate at Cambridge or of Convocation at Oxford. At Cambridge every sizarship, every exhibition, and every scholarship, is open to the Dissenter. The statement in the Petitions, therefore, that the advantages of University education are withheld from the Nonconformists is simply untrue. There is a most important distinction between the law which relates to the Universities, and that which governs the Colleges, which Parliament is bound to recognize. The Universities were incorporated by Act of Parliament, and may, therefore, be said to be partly the creation of the Legislature. Parliament used to make grants in former times to the Universities, and therefore Parliament was justly entitled to lay down the conditions upon which those grants should be made. The Universities have also been empowered by Parliament to send representatives to this House, and I am willing to concede that, therefore, Parliament has a right to require that the constituencies of the Universities should be constituted upon as large a basis as any other constituency in the kingdom, and to require that Dissenters should be admitted to University degrees by which they may become members of the Senate and obtain votes. The case with regard to the Colleges is, however, entirely different. The Colleges are private and not public institutions in their formation. They are private and not public in the endowments they received. I am aware that it is said in a famous 50-guinea Prize Essay which has been printed by the Liberation Society, and to which gentle allusion has been made to-night by the learned Solicitor General, that the Colleges are, in fact, the creation of the State. When I saw that statement I thought it worth while to inquire a little into the facts of the case, and I found that of the 25 Colleges and Halls at Oxford, and of the 17 Colleges and Halls at Cambridge, there were not more than four at Oxford and three at Cambridge that ever received anything from Royal founders or from Royal bounty, all the rest being the creations and endowments of private persons. Under these circumstances it is impossible to say that the Universities and the Colleges stand upon the same footing with respect to Parliament. I now come to consider what are the conditions upon which these endowments are held, and what is the law that should be made applicable to them in the event of any change in the existing law being suggested with regard to them. But before I enter upon this part of the subject I should wish to refer to a further statement in the Prize Essay to which I have already alluded. It is stated in that Essay—

> "The funds were originally given by Roman Catholics; but, like all other Church property, they were seized by the Crown, and from the stronghanded Protestant Pope Henry VIII. down through all the Popelings that followed, they have passed irrevocably into national hands."

That is certainly a most ingenious way of turning private property into national property. In reply to that statement I will quote Lord Brougham, who, in dealing with this question, said—

> "There is another matter connected with the admission of Dissenters to the Universities which I think is much more encumbered with doubt, but still I throw it out for consideration. I refer to the expediency and the justice of admitting persons not belonging to the Established Church to all the privileges consequent upon their attendance at the Universities, besides the right to obtain degrees. And here I particularly allude, not to their acquiring any share in the government of the Universities—that is a matter which might easily be arranged—but to the right of having Fellowships and scholarships. The diffi-

culty upon that point is considerable, and I have no hesitation in saying, strong advocate of the Dissenters as I ever have been, that I see opinions expressed in some of their Petitions which show that those excellent persons, in putting forward their claim, have not well weighed the reasons for which Fellowships were for the most part endowed. The Dissenters have no more right, strictly speaking, to administer to Fellowships and scholarships endowed by the founders for the benefit of the Established Church than any member of the Church of England would have a right to share in the endowments founded at Highbury or Homerton, Maynooth or Stonyhurst, or ony other Dissenting College, Catholic or Protestant. The persons out of whose private funds Fellowships and scholarships were endowed had a perfect right to prescribe what restrictions they thought proper as to the disposal of those funds, and no Dissenter has any more right to complain of being excluded from them than he has to complain of exclusion from any private charity supported by members of the Church of England."

That, I believe, is the true state of the case as regards the matter of right; as regards the matter of policy, I admit that must be decided upon different considerations. Even the Colleges as well as the Universities have admitted Dissenters to scholarships on grounds of policy; they have refrained from admitting them to Fellowships for the very distinct reason that the Fellowships lead to the Governing Bodies, and a Dissenter could not become one of a Governing Body, because he would have to discharge a trust for which he did not possess the proper qualification. The Fellows of Colleges and Governors of endowed schools occupy as nearly as possible the same relative position; and the principle recognized in the provisions of the Public Schools Act affecting the Governing Body of endowed schools should be the principle for regulating this Bill. The Public Schools Act provides that the Governing Body shall continue to be of the same religious denomination as that prescribed by the founder, though is is also provided, on the other hand, that persons of a different belief shall not be excluded from the school. The Colleges have thrown their doors open to every sect under the sun; Roman Catholics and Parsees—I had almost said Mahomedans—members of the Jewish persuasion, and every class of Dissenters—Independents, Baptists, and Unitarians have been educated at Cambridge, and, I believe, at Oxford also, for many years past; but, while I consent to this course being continued, I ask that the principle of the Public Schools Act be adopted, and the Governing Body be restricted to professors of the denomination of the founder, or, in the words of the Government—"give the education to all, but take securities that the religious teaching shall not be impaired." But I have said that this Bill goes further than this, and much further than any Bill of the kind yet introduced. I do not know who drew the Bill; certainly the Solicitor General cannot have drawn it, for it goes much further than the mere removal of those disabilities which prevent Dissenters from obtaining the only things now withheld from them, the vote in the Senate and the admission to the Fellowships. The material clauses in the Bill affecting this matter are the 2nd and the 3rd. The 2nd clause specifies the offices from which restrictions are to be removed, and in reference to which freedom of admission is to be given. Among these offices are the tutors, who stand in *loco parentis* to the undergraduate while he is resident in College, the lectureships on the New Testament in divinity, and also the office of dean. The 3rd clause provides that every person is to be eligible for these offices, and that none are to be required "to conform to any religious observances," or to make any declaration involving any religious test. In plain language, these two clauses together declare that any person, of whatever creed, or even of no creed, shall be eligible for any of these offices, and can on appointment carry on his instruction in the College on the system of any religion or no religion, and cannot be interfered with. Yet my hon. and learned Friend told the House that this Bill does nothing to interfere with the religious instruction now imparted in the Colleges, and does not go beyond the intention of the Bills introduced in former years on the subject. But there are two other things in the 3rd clause to which wish especially to call the Solicitor General's attention, and also the attention of the First Lord of the Treasury, because I doubt very much whether they properly appreciate the full meaning of the Bill as it stands. I am sure it must have been drawn by some one who has not pointed out to my hon. and learned Friend the sweeping nature of its provisions. After enabling all persons of any or no religion to aspire to any of those offices, it goes on to say, in line 24—

> "Nor shall any person be compelled, in any of the said universities or any such college as aforesaid, to attend the public worship of any church, sect, or denomination to which he does not belong."

In effect, this clause provides that no person, no undergraduate, shall be compelled, not even if his parents or guardians wish him to do so, to attend the religious worship of the College to which he belongs. He might with impunity decline, because an Act of Parliament would give him power to say—"I do not care for religious observances, and you have no power to constrain me." This is an error, and the sooner my hon. and learned Friend corrects it the better. But there is another. The 1st sub-section of the 3rd clause says, that "nothing in this section shall render a layman eligible to any office . . . restricted to persons in Holy Orders." That, no doubt, was intended as a fair Saving Clause, but the person who drew the Bill should have had his attention called to the fact that a Roman Catholic priest is not a layman, and that under this sub-section he would be eligible to any of the many religious offices in these Colleges connected with the Church of England. Now, in these times, when there are persons in the Church of England who are willing to imitate the practices of the Roman Church, should we open the door for strife, and plunge the Colleges into all the controversies between Catholic and Protestant, which would evidently be the effect of the clause as it stands? This may be a mere slip arising from haste, but I am not so sure that it is when I look to the Schedule of Acts repealed. This Schedule contains the 31 *Geo*. III. c. 32, and repeals "so much of Section 14 as relates to any of the Universities of Oxford, Cambridge and Durham." It also contains the 10 *Geo*. IV. c. 7, and repeals "so much as relates to any of the said Universities or any College therein." What are those repealed sections? The first provides—

> "That no person professing the Roman Catholic religion shall obtain or hold the Mastership of any College or School of Royal Foundation, or of any other endowed College or School for the education of youth, or shall keep a school in either of the Universities of Oxford and Cambridge."

The second is a proviso that—

> "The enabling part of this Act shall not extend to any office of, in, or belonging to any of the Universities of this realm, or any office whatever, of, in, or belonging to any of the Colleges or Halls of the said Universities."

These provisions, I understand, are to be repealed. [The SOLICITOR GENERAL made a gesture of assent.] My hon. and learned Friend assents to that as a thing he desires to see done. That then was not a slip, and it is the wish of the Government that Roman Catholics are to be enabled to hold Masterships of Colleges and other offices, even though the offices are distinctly connected with the Church of England. If this is recommended as a conciliatory measure, I think the Government have most signally failed. My hon. and learned Friend will say—"But the Preamble of the Bill announces that you are to have safeguards, and they are to be found in the 4th section of the Bill. In words, that is the case, but the 5th section destroys the safeguards given by the 4th. The 4th section provides that—

> "Nothing in this Act shall interfere with or affect, any further or otherwise than is hereby expressly enacted, the system of religious instruction, worship, and discipline which now is or which may hereafter be lawfully established in the said universities respectively, or in the colleges thereof or any of them, or the statutes and ordinances of the said universities and colleges respectively relating to such instruction, worship and discipline."

But the 5th section repeals three sections in the Act of Uniformity, one of them very properly, because it requires a Fellow to take an oath that he intends to conform to the Church of England; the 13th section, however, which is also repealed, is an essential part of the Act as far as the Church of England was concerned; it provides that—

> "No form of prayer, administration of sacraments, rites and ceremonies, shall be used in any church or chapel, or other public place, in either of the Universities, excepting that which is prescribed by the Book of Common Prayer."

Why repeal this? This has nothing to do with any test, restriction or disability operating upon Dissenters, but is an essential part of the provision made in the Act for the benefit of the laity—not intended unnecessarily to cramp the liberty of the clergy, but requiring that they should conform to the particular worship of the Church of England in that which is a Church of England chapel. The object of the section was not to exclude Dissenters from the Universities; but only to protect Churchmen from having their forms of public worship altered without the authority of Parliament. I say that if these provisions, which the

First Lord of the Treasury seems to think useless, are once repealed — and I am afraid my right hon. Friend the Chancellor of the Exchequer will not like the observation I am about to make — you will have placed the first stepping-stone towards the disestablishment of the Church of England. My right hon. Friend did not like to be told last year that if you disestablished the Irish Church the same reasons would force you to disestablish the Welsh Church, and possibly the Church of England sooner or later. My right hon. Friend will not like the argument used by the Solicitor General as to the great changes to be effected, not for the purpose of giving Dissenters the benefit of University degrees, or the benefit of University scholarships, but for some idea of giving freedom to the Church, and thus securing better education than you have now. All I can say is that is not the freedom which the Church desires or ought to have. And when I see what is going on, when I hear what the people say of what is going on, I cannot but think that the last thing they would desire would be that the country should give such power to persons in authority as would enable them to alter your national faith or your national worship, be those men ever so distinguished. I, for one, say rather than pass such a clause as that I would willingly see all your former Bills passed into law; but I hold that neither the one nor the other is necessary if you will only give that which was the only thing the Dissenters hitherto demanded without taking away that which Churchmen had a right to require that the Government should still maintain. I say now, as I have said before, that now this measure has come into the hands of the Government they go much further than they ought to have done — they altogether remove restrictions, the removal of which is not essential to the purposes of the Dissenters, but is most detrimental to the Church of England. I also say, as I have said before, that, instead of giving Churchmen that protection and security which the right hon. Gentleman engaged to do, you have kept the word of promise to the ear and broken it to the hope. You have not given them either security or protection, and if you pass the Bill in this shape you will thereby pass a measure not required for your own purpose — a measure the nature of which was not announced, but one which will startle the people of this country when they see the consequences to which it will lead. My hon. and learned Friend said that my right hon. Friend the Member for the University of Oxford (Mr. Gathorne Hardy) rather noticed that his tone was not so conciliatory as usual. I own I did not notice it myself, but I wish to appeal both to my hon. and learned Friend and to my right hon. Friend at the head of the Government to say whether since this time last year anything has been urged by the opponents of the Bill which did not bear, or was not intended to bear, the character of conciliation for the purpose of settling this long-vexed question. I can appeal to my right hon. Friend whether he has not had some most eminent, most distinguished Members of both Universities making representations which must have convinced him that they would give —perhaps in one sense a reluctant, because they do not approve the changes contemplated, but in another sense a willing support to the measure, if only you could have settled this question by giving to the Dissenters the degree and the Fellowship with this one safeguard, that you would not interfere, as you ought not to interfere, to impair or destroy the religious character of the teaching of the Universities. I believe I do not misrepresent the opinion of either one University or the other when I make that statement in my place; but this I must add, though they would have been content with a settlement of this question made under proper safeguards, there are some changes with which they never can be content. They never can consent— and here I am sure I speak their mind— to make a *tabula rasa* as it were of all their collegiate arrangements with respect to religion, or even materially to alter those arrangements unless they can substitute some others equally good in their place. They will not consent — in my humble judgment they ought not to consent— ever to divorce religion from education, as this Bill would undoubtedly do. Neither will they consent, nor can they consent, nor ought they to consent to leave a question which of all questions ought to be definite, fixed, and certain —I mean the religious question—in a state of such ambiguity and uncertainty that it may lead to anything or to nothing, so that it will be terminated, for the sake of avoiding all the religious difficulties that arise out of it, either in comparative indifference to religious truth or in the complete secularization of academical studies. That such should be the result even with your elementary schools the people of this country, as represented by Members on both sides of the House, have strongly manifested their determination not to allow. And do you think they will be more gratified if you are going to introduce such a system into those institutions which are to carry on the higher branches of study and education? I doubt it; but I feel so strongly that this would be the result of this Bill that I and those who think with me have no alternative left us except to try to get rid of this Bill, and leave the Government to introduce another in a far better shape. We never can consent to break up that wise combination of sound learning and religious education which has characterized these noble institutions for many a bygone age, and which has earned for them, and will earn for them, I firmly trust, for many ages to come the gratitude, the praise, the confidence, and the support of the people of England, whom I cannot characterize in a higher or juster manner than by saying that they are essentially a religious as well as an intellectual people.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Spencer Walpole.*)

Lord EDMOND FITZMAURICE said, in venturing to intrude himself on the attention of the House at this stage of the debate, he must urge that the fact of its being so short a time since he left the University, which on other occasions might induce him to be silent, might on this be his best excuse for saying a few words to the House. He had listened to the speech of the right hon. Gentleman who moved the rejection of this Bill (Mr. Spencer Walpole) with all that respect which was naturally due from him to one who had been so long a Member of that House, and who in it represented one of the Universities, the interests of which were at stake in this debate; but the more he listened the more did he feel that between the right hon. Gentleman's opinions and his own on this subject there was a great gulf fixed. Following the order in which the Bill was drawn, the right hon. Gentleman considered the case of the Universities first and the case of the Colleges next. As regarded the Universities, he stated that he was willing to concede much, and the Earl of Carnarvon said the same last year. He desired to point out to the right hon. Gentleman that what Liberals asked for was not a concession, but the acknowledgment of a right. There was a point in these discussions which was perpetually lost sight of by hon. Gentlemen opposite, and by their Friends, and that was this—that the Church was an intruder at the Universities. Now, he knew that he should be told, in the first place, that the Universities were ecclesiastical corporations. But that was a legal fallacy. They were nothing of the sort; they were lay corporations. Again, he should be told that the Universities had always been connected with the Church of England, and governed by the tests and declarations of the Established Church for the time being. That was an historical fallacy. It would be nearer the mark to say that previous to the Reformation precisely the opposite of this was the case. The early history of this country showed the Universities in the light of the strenuous defenders of civil and religious liberty. They sided with the barons against Henry III., and they defied the Pope and the Archbishops when they demanded the condemnation of Wickliffe. When the Jews were expelled from England they were harboured in Oxford. This, he would remind the House was in the 13th century, and now, in the 19th century, a Jewish Senior Wrangler could not be admitted to a Trinity Fellowship. When Henry VIII. established the cathedral of Christ Church he took especial pains to clearly enact that the Bishop was not to attempt to exercise any jurisdiction in the University. He did not think that a recent writer in *The British Quarterly Review* had at all overstated his case in saying that in the Middle ages Oxford was a refuge for all those who held speculative novelties in theology, science, and politics during times when the advocacy of those novelties was eminently dangerous elsewhere. Only after the Reformation did the fatal idea creep in of fastening the University in the strait waistcoat of orthodoxy.

King Edward weeded out the Catholics, Queen Mary weeded them in again, Queen Elizabeth weeded them out a second time, and after much vacillation, owing to the various interests which alternately influenced her mind, she inflicted on Oxford the Thirty-nine Articles and the three Articles of the 36th canon. This was done at the advice of Leicester, an incompetent general, a more than incompetent statesman, and the murderer of his wife. King James inflicted the three Articles of the 36th Canon on Cambridge. But it was not till the Restoration that the Universities experienced their full degradation. By the Act of Uniformity of Charles II., it was ordered that Heads and Fellows of Colleges, Professors, lecturers, and tutors should be required to declare their unfeigned assent and consent to all and everything contained and prescribed in the Book of Common Prayer. The century and a-half after the Act of Uniformity was the darkest and dreariest period in the history of the Universities. They became a by-word, not only in England but on the Continent. They were the home of Jacobite Toryism; they published declarations against civil and religious liberty—on one occasion in such language that the declaration was ordered to be burnt by the hands of the common hangman, and that order came from the House of Lords. Of educational work, there was little or none, and religion showed its presence chiefly by those libations of port wine of which Gibbon preserved so keen a recollection. From the beginning of the present century things began to change. The Church monopoly began to be destroyed in the University and elsewhere; slowly and by degrees the nation began to revindicate its own, learning to return, and public opinion to make its force felt. The tests and restrictions excluding Dissenters from the Universities began to be relaxed. The work needed only the vote of the House that night in support of this Bill to make it complete. He would now proceed to the case of the Colleges, the position of which he was the more anxious to discuss separately, because the arguments which justified the interference of the State with them, were totally different from those which justified the interference of the State with the Universities. The right hon. Gentleman the Member for Cambridge University raised the whole question of the origin of the Colleges. The Universities, he said, were originally State institutions; but the Colleges were the result of private benefactions, and, in this, he was right. They might be divided into two classes—the pre-Reformation and the post-Reformation endowments. The former were the work of Roman Catholics, the latter of Protestants in nearly all cases. Emmanuel College was, he believed, a Puritan foundation. If, then, they were to legislate by founders' wills, they must give back the greater part of these endowments to the Catholics. But were they prepared to do that? He hardly thought so. He was aware that it was sometimes argued that the present Church of England was the original Church of the country, and the Church of Rome the seceding Church. Assuming that the persons who used that argument were serious, it might be pointed out that it only showed that the Colleges founded before the Reformation were founded by Dissenters, and were none the less their property for all that. But it did not appear to him that the argument from founders' wills was a valid one in any case. He would wish, in this question, to start from a far broader principle than the interpretation of founders' wills. It was that after the lapse of a certain time the State had a right to interfere with the manner in which corporate property and endowments for charitable purposes were held. Upon this point he would quote an extract from Mr. Mill's writings were it not that he knew anything written by Mr. Mill would not be acceptable to hon. Gentlemen opposite. The present Lord Chancellor, however, to whose opinion they would, perhaps, listen, in his evidence before the Schools Inquiry Commission, said—

> "I entertain very strong opinions about the dispositions people are allowed generally to make of their property by way of charity. I think there ought to be a power of revision after the time which has been specified (60 years), a power of revision of any disposition a person may choose to make of his property, because you do not allow a man to dispose of his property in favour of his great grandchildren; he cannot do it for more than a life in being, and 21 years after that. That reasonable limit, he ought to be allowed, of course, for any fancy or whim he may have; but to allow a man to dispose for ever of a mass of property according to his crude notions of what he thinks best by way of charity for all time seems to me most unreasonable. . . .

I think there ought to be the power of absolute gift for the limited time, but after a limited time—the life in being and 21 years afterwards, there should be a power of revising every charity whatever.

"Lord Stanley: May I ask how far you would carry that power of revision? Would you carry it so far as to allow the Courts to make a totally different provision from that which the founder intended, or would you only extend the doctrine of *cy près*?

"Vice-Chancellor Wood: I confess I go the whole length of saying that they should have that power; it should be a public charity."

Two conditions, then, were to justify this interference—its utility should be fully shown, and what might be presumed to be the intention of the founder were he now alive should, if possible, be observed. Now, he held that the Bill under discussion kept these two conditions in sight. The expediency of throwing open these Colleges to the nation might be supported on the following grounds:—That they had a monopoly of the highest education of the country; that it was to the general interest of the country that the greatest number of Englishmen should receive the benefit of this higher education; and that this was impossible as long as religious tests were in force, stigmatizing one-half of the nation with the badge of social and academical inferiority. When the right hon. Gentleman referred to the Colleges, that part of his speech which related to them reminded him of some verses of the Laureate's, called *The Poet's Mind.* In those verses he represented some singer addressing a person, whom by poetical licence, he supposed, he called a "dark-browed sophist;" and he told that much-abused person that he sincerely hoped he would keep out of the garden, because should he by any misfortune get in the flowers would die, the leaves would wither, the birds would cease to sing, and the fountain, which was supplied from a heavenly source, would shrink into the earth. In the same manner the right hon. Gentleman and his friends planted themselves at the doors of the Colleges, and said—"Let no one enter here who is not acquainted with the elements of Anglican theology." They went on, moreover, to say that should such persons succeed in entering learning would perish, religion would die, the arts vanish away, and the sciences be nowhere to be seen. He would leave the House to judge whether they believed that the sketch of the history of the University would lead them to think that the interests of true religion, of the arts, and of the sciences, were inseparably bound up with those of the Church. The presumed intention of the founders was defended by this Bill, because the University and College funds were not alienated from educational uses. Their bequests were made in an age when education was inseparable from religion. This was no longer the case. Again, these tests were futile. On this subject, he had no wish to intrude personal experience upon the attention of the House; at the same time he might venture to say, after a nearly five years' residence in the University of Cambridge, that he found nothing like that unanimity on religious topics which the right hon. Gentleman opposite supposed to exist there. Mr. Goldwin Smith, a good authority on this matter, declared from his experience that those University Tests had altogether failed to secure the objects for which they had been framed. But he should be told there was an alternative scheme as regarded the Colleges. Lord Carnarvon had an alternative scheme, and the right hon. Gentleman the Member for the University of Cambridge (Mr. Spencer Walpole) had an alternative scheme; but he (Lord Edmond Fitzmaurice) confessed that he received anything in the shape of an alternative scheme with suspicion. They only heard of these so-called alternative schemes when a Bill was introduced to liberalize the Universities. They were the Mrs. Harris of University politics. It would be time enough to discuss alternative schemes when they were before the House embodied in Resolutions or in a Bill. Now, with respect to the subject of religious education at the Universities, they were often told that the necessary consequence of the Bill was to destroy the distinctive religious education of the Universities; but those who employed that argument had to prove, not the existence of a religious education, but of a religious education after the doctrines of the Church of England. At Cambridge none such existed; at Oxford there was an examination on the Thirty-nine Articles for the B.A. degree, and if the Bill before the House destroyed that examination he should be heartily glad of it. As regarded religious education generally he was not aware that any such existed at Oxford; at Cambridge it was represented by Paley's *Evidences of Christianity*, a book which he believed many orthodox persons regarded as a dangerous and wicked book. Whatever religious education could be said to be secured by penal attendance at chapel was protected by this Bill. It was, therefore, unfair to say that it interfered with the religious education of the University. In the remarks which he had addressed to the House he had attempted to show that the nation, in nationalizing the University, was re-entering on its own lost property, and that in throwing open the Colleges it was acting on principles which all enlightened legislation should recognize, and that its action would in no way interfere with the interest of true religious education, for the good reason that there was little or no religious education to interfere with. He felt that he had done but insufficient justice to the cause which he had ventured to support; but he felt, too, that his cause had an intrinsic worth of its own which could not be injured by the inefficiency of its supporters. He asked whether, in this age, when the study of philosophy, law, history, and science was taking the place in University education formerly occupied by the dead languages, anybody believed that it was possible to bind men's minds by the bonds of orthodoxy and clerical supremacy? The conscience of the nation had long since condemned religious tests; it had ordered the belief in them to be classed with those beliefs of which Lord Macaulay spoke, when he said that they had long since been abandoned by statesmen to aldermen, by aldermen to clergymen, by clergymen to old women, and by old women to Sir Harcourt Lees. Sir Harcourt Lees, whoever he was, abandoned them to that Boanerges of obstruction, Mr. Burgon, of Oriel College, and the Oxford country clergy, who played so memorable a part in an election some years ago; but he did not abandon them to the Members of this House, who, he (Lord Edmond Fitzmaurice) felt, would deal a deathblow to a system which, for so many years had been the bane of the Church of England, the English nation, and the English Universities.

Mr. RAIKES said, he trusted he might be permitted, as one interested in that famous political debating society in which the last speaker had previously distinguished himself, to congratulate the Cambridge Union on having given another ornament to the House in the person of the noble Lord who had addressed it. He had no desire to prolong a controversy which had been conducted in a very conciliatory spirit, but admitted of no solution, as far as the basis of agitation on one side or of opposition on the other was concerned. Those who brought forward this measure might be truly of opinion that in doing so they were only carrying out Liberal principles; but they must concede to the other side of the House that they opposed it because they considered it to be an invasion of the rights of property, and an attempt to secularize property which had been devoted to religious purposes. Between the two there was a great gulf fixed, which he would not be rash enough to attempt to bridge; but, at all events, it was well worth considering how the Universities of this country might best be fitted to perform the task which had been and was still to be assigned to them. Was religion still to be taught in the Universities of Oxford and Cambridge? There was a small party in the House, and a smaller one in the country, who thought that religion should not be taught at all, and with them he did not attempt to argue; but there was another party who looked upon religion in education as an extra—something that, in a ladies' school, would be paid for in addition, like "*Shakespeare* and the Musical Glasses." They were willing to allow theology to be studied by those members of a University who, either of their own accord or because their parents wished it, were addicted to the amiable weakness of that study; but they thought it should be in addition to, and not included in, the University curriculum—although this, too, was an opinion which he believed was not largely held. The House had some reason to complain that it was left in doubt as to what was the actual position of the Government with regard to this question, for they had given no less than three different indications of the policy which they thought ought to be adopted in dealing with the religious education of the country. In the Endowed Schools Act they legislated on one principle, in the Elementary Education Bill they proposed another, and they had differed from both in dealing with the University of Dublin. The House was thus left to ascertain, from putting together the utterances of various Ministers, what was the opinion of the Government with regard to religious instruction; but it must, at all events, come to the conclusion that, although they were not prepared to recommend it distinctly and positively, the Government were not prepared to discourage it altogether. Members might be sure that the parents of this country, in sending their sons to the Universities, which they did in many instances to prepare them for entering the Church of England, would still be strongly of opinion that religion should form an integral part of the instruction which was given them there. If the Universities were to teach religion, what religion were they to teach, and by whom was it to be taught? In that Bill there was no security provided that the Professors of Divinity in the University of Cambridge should be persons who held the opinions of the Church of England, with the single exception, of the Regius Professor. If the Universities or the Colleges were to be entrusted with the education of the future ministers of the Church, surely Churchmen had a right to insist that the religious teaching given should be such as would fit those future ministers for the performance of their duties? If religious education was to be entrusted to any body of men, there ought to be some security that they were capable of imparting it in a satisfactory manner. It was the fashion of some in that House, and many out of it, to lay little stress on religious education in our Universities; and the noble Lord who had just spoken had told them that the only medium for religious instruction at Cambridge was a book which he described as dangerous and wicked. It had been a source of danger to others as well as to the noble Lord. But, putting aside *Paley*, in every College, and certainly in that to which the noble Lord belonged, the Greek Testament was a book of constant study, and he was at a loss to know how the noble Lord could have obtained his degree without having studied it. There was some reason, on the low ground of expediency, apart from principle, that adequate provision should be made for the best education in religious matters. If a man wished his son to enter the Army, he would not send him to study in the office of the Board of Works; or, if he wished him to be a physician, he would not send him to an engineer, but secure the best education of the particular description of profession his son was destined to follow. A singular disposition had been shown on all sides to deal with that subject on *à priori* grounds, and we had shut our eyes to the experience of foreign countries similarly placed to ourselves. Without going into the question of foreign Universities generally, it might be useful to observe what had been the practice in those of Belgium. There were four Universities in Belgium—one at Liege, and another at Ghent which were controlled by the Government, and two others, at Brussels and Louvain, which were not. The first two of those Universities received an annual subsidy from the State, in consequence of which the Government claimed a right to interfere and direct their discipline. To the University of Louvain nothing was given by the Government, and with it neither the Government nor the Legislature pretended to interfere. The University of Brussels received a subsidy from the town; but the Town Council did not control its discipline, and it was the most free-thinking University in the world. Louvain was a Roman Catholic University altogether; it was governed by the Bishops and clergy, and was devoted to the training of young men for the priesthood, and to the education of the sons of the Roman Catholic families throughout the country. The scholarships were given equally between all the four Universities, and were just as tenable by students who went to Louvain as by those who went to the other Universities. The Governing Body of Louvain were left to appoint such Professors and adopt such measures as they thought proper to secure the special education which those who sent their sons there desired, and to which they had a right. He did not say that the teaching or the discipline at Louvain was such as he wished to see adopted in England; but if, in a free country like Belgium, it had been found desirable to give a University like Louvain the liberty of inculcating the Roman Catholic religion if it thought proper, it seemed rather a hard thing that those who belonged to the Established Church of England were to be left without an

University or College to which they could send their sons, with an adequate security that they would be educated and trained as they desired. The Parliamentary position of this question was very different now from what it was last year, and he would remind the House that those who now brought in this Bill voted against the compulsory clauses in 1869. In the debate on the measure of last year they had a very interesting speech from the hon. Member for Whitby (Mr. W. H. Gladstone), who said he supported the Bill because he believed it would produce very little effect. He was curious to know how the hon. Gentleman would vote this year, seeing that the authors of the present Bill admitted that it would produce a very considerable effect. In his opinion, while they were justified in legislating for the improvement of the Universities, they were not justified in ignoring the pious objects of the founders. In conclusion, the supporters of the Bill might say that the property which those on his side believed to be private property was not so—that the foundations which they held to be religious might be secularized by the State; but they were bound to consider this practical point, that as long as the Universities were to teach religion they ought to have ample securities that religion should be adequately taught; and they were bound so to legislate as not to defeat the highest and noblest objects for which those institutions existed.

Mr. SARTORIS said, in spite of the charges of violent and hasty legislation brought against the Government, he regarded that Bill as a very remarkable instance of that reluctance to touch, even with a view to improve, a time-honoured institution, which was a strong feature of the national character, and which sometimes went by the name of Conservative wisdom and sometimes by that of Tory obstinacy. A very considerable interval had elapsed before that Bill attained its present form, the learned Solicitor General and the right. hon. Member for Kilmarnock (Mr. Bouverie) having, to use a military phrase, conducted the campaign from separate bases of operations. In 1869 they combined their forces, and the University Tests Bill of last Session received the assent of that House by a very large majority. It then went to the House of Lords. It was not his intention to dwell in any spirit of bitterness or hostility on the reception it received there; but the usual consequences followed. The Bill of last year offered a fair compromise, as it was of a permissive kind; but nevertheless it was not accepted by the House of Peers, and the natural result was that a more sweeping and decided measure was now submitted to the consideration of Parliament. This Bill might be considered in a two-fold aspect—first, as it affected the Universities themselves, and secondly, as it affected the Church of England. With regard to the Universities, the immediate result would be to admit a very few Nonconformists to the good things in their gift. Now the admission of Dissenters, who, as a body, were honest, hardworking, and self-denying men, would be most beneficial to our Universities. At the same time, as the representative of a county (Carmarthenshire) where the Dissenters were in the majority, he was bound to say that he was acquainted with their defects. Perhaps they might have something of that exclusiveness which belonged to strong belief and earnest conviction, and also somewhat of that touchy suspiciousness which we were wont to ascribe to our American cousins. But might we not ourselves be answerable for many of these faults of our Dissenting brethren? We had held them at arm's length on account of their religious belief, and now we were prone to taunt them with defects which resulted from such treatment. It was his firm belief that a decided benefit would be conferred both on the Nonconformists and the clergy of the Church of England if a free intercourse took place between them, in the direction of infusing into the clergy of the Church of England more earnestness and zeal, and greater simplicity of manners and life; while the few Dissenters who would enter might receive useful lessons as to learning, refinement, and general culture. He did not apprehend that any danger would proceed from the quarter in which the opponents of the measure supposed it to exist. Danger was much more likely to be found in those ill-fated counsels which would persuade the Church to restrict herself within the narrow and immutable bounds of creeds and formularies, instead of relying on that elasticity and power of expansion which was one of her most precious attributes. Let the Church open her gates, and she would receive accessions from all quarters of Christianity; whereas if she closed them, she would resemble one of those great cities of the Middle Ages which were now deserted, although they remained beautiful in their decay. This measure, far from being injurious to the Church, would actually be greatly beneficial to it; for, at the present crisis, in the religious history of the world it was the interest of all Protestants to unite in order to resist the encroachments of Roman Catholicism, and to maintain the right of private judgment against the pretensions of infallibility. He admired those who struggled with their doubts and difficulties. In the words of the most popular of our living poets—

> "There lives more faith in honest doubt,
> Believe me, than in half the creeds."

He trusted hon. Members, instead of looking at this question through the distorted medium of party politics, or of religious zeal and intolerance, would co-operate in passing a measure, the immediate results of which might, indeed, be slight as compared with the vastness of the interests and principles involved in it; but which would proclaim to the public the determination of the Legislature to uphold the principle of religious liberty by the total abolition of tests and subscriptions.

MR. MOWBRAY said, he thought that those in that House who were charged with the duty of guarding the interests of the old Universities had some reason to complain of the manner in which the question had been treated that evening by the Members of Her Majesty's Government. It was true that the Solicitor General made a speech on moving the second reading; but he prefaced it with what was almost an apology for making any remarks. This was followed by a long, calm, argumentative, and exhaustive speech from his right hon. Friend the Member for the University of Cambridge (Mr. Spencer Walpole), dissecting the Bill and dealing with it in detail, and he maintained that the right hon. Gentleman's speech ought to receive an answer from some Member of the Government. The House would recollect the position they were placed in with regard to this question. He was ready frankly to admit that, as the Solicitor General had said, a question which had been discussed during so many years, which had passed this House last Session, and which had been mentioned in the Queen's Speech, was quite ripe for legislative settlement. The only thing to ascertain was what that legislative settlement should be, and why the present proposal was different from that made last year. On these points the House was certainly entitled to call for some explanation on the part of the Cabinet which advised Her Majesty to allude to the subject in the Speech from the Throne. Instead of that, however, a speech which, he admitted, was of marked ability was made by the noble Lord (Lord Edmond Fitzmaurice), who was followed by the hon. Member for Carmarthenshire (Mr. Sartoris), while Her Majesty's Government did not condescend to give the House any information as to the principles on which the measure was founded. The hon. Gentleman who had just sat down called upon them (the Opposition) to co-operate with the Government in settling that vexed question. How could they do that when the Government had not stated the principles by which they were guided in bringing forward this measure? How could they be expected to co-operate when there was no disposition on the part of Her Majesty's Government to co-operate with them? Objections were made to the Bill of last year, and suggestions were made by a noble Lord in the other House (the Earl of Carnarvon) which might have been made the basis of a satisfactory measure. Again, representations were made to the Government during the autumn, and yet this was the Bill which the Universities were asked to accept. What were the Universities to have in return for the concessions they were called upon to make? They were told that the Bill contained safeguards; but what were they? The first was in the Preamble, which set out with this statement—

> "Whereas it is expedient that the benefits of the Universities of Oxford, Cambridge, and Durham, and of the colleges and halls now subsisting therein, as places of religion and learning, should be rendered freely accessible to the nation."

Those words were introduced into the Bill of last year by his hon. and learned Friend the Member for Richmond, and they had a meaning when used in connection with the clause introduced by his hon. and learned Friend; but, as adopted by the Solicitor General, and coupled with the provisions of the Bill now before the House, they were a delusion and a mockery, because the spirit of that portion of the Preamble was not carried out in the clauses of the Bill. Was the 5th clause in keeping with it? That clause repealed several Acts, the names of which were given in the Schedule, and also all Acts of Parliament and all statutes and ordinances of the Universities or Colleges which were inconsistent with the Bill. As to the reservations provided for in the Bill, they were small and unimportant if not illusory. They had been told by the Solicitor General that they were not to talk of the wills of founders. But he would remind the right hon. Gentleman at the head of the Government of what took place only 16 short years ago when a Bill was introduced by the Government of which he was a Member, and became law, in which deference was paid to the intentions of "founders and benefactors." In two lines of the present Bill all the statutes and ordinances which were retained in the University Reform measure of 1854 were entirely swept away. The main intentions of the founders, both of the pre-Reformation and post-Reformation periods, were disregarded in the measure, which was, in short, of a revolutionary character. As to arguments based on pre-Reformation grants, he would observe that a gentleman who signed himself "One of the People and a Non-University Man" had prepared a table, which showed what very large amounts the post-Reformation grants to Colleges amounted to. Of the 19 Colleges of Oxford University six were founded since the Reformation; while as regarded the other Colleges, a large proportion of the endowments were made within the last 300 years. So far, therefore, to the extent probably of one-half of the present value of the endowments, the pre-Reformation argument had, in reality, no foundation. He thought those who sat on his side of the House had a right to ask why the present Bill was more compulsory and coercive than any that had ever been proposed before? Last year his hon. and learned Friend did not attempt to go so far as he now proposed to go with respect to the Colleges. Those who opposed this Bill said that it made the greatest and most vital change in the Universities that could be made, and that it was brought before them in such a shape that it was quite impossible for them to agree to the second reading. In reference to the question which the House had to decide, he would quote words used by the right hon. Gentleman (Mr. Gladstone) in the debate on the Tests Abolition (Oxford) Bill, on the 14th of June, 1865—words to which he hoped the right hon. Gentleman still adhered—

> "The question is, whether the religion of the Church of England, or of some Church, and the recognition of that religion in the system of the University, is necessary in order to enable the University to perform its teaching work and to exercise its proper influence upon the character as a part of the discipline of life. This is not a mere question as between the clergy and laity—it is no question of conflict between the Church and State; but of the convictions commonly entertained by religious parents concerning the kind of education and training to which they desire to submit their children. In my opinion parents have the strongest feeling on the subject. There is no separation here analogous to that which divides this House. Nay, more, I go further and say there is no separation analogous to that which divides religious denominations, for the professors of the several religious creeds in this country are alike anxious for the instruction of their children in the specific tenets they profess."—[3 *Hansard*, clxxx. 219.]

It had recently been said out-of-doors, and in that House, that in elementary schools, where those to be instructed were of tender age, definite and distinctive religious instruction might be dispensed with. However that might be, if they were to have religion taught in our Universities at all, the religious teaching must be definite and distinctive, because with young men whose education was highly advanced, and whose intellectual powers were fully developed, the religious teaching must be clear, precise, and defined. Hitherto students had been in the habit of meeting in the same chapel, and receiving the same religious instruction from the same teacher, and the best results had followed. But the inevitable consequence of the introduction of the principle on which this Bill was founded would either be constant wrangling about religion, or the complete secularization of the Universities. As the proposed change was so great and so vital, he hoped the Government would give some further reason for the change, and some further explanation of the principles of the Bill.

MR. GLADSTONE: There is something a little discouraging in the terms in which the right hon. Gentleman opposite (Mr. Mowbray) has invited us to enter into this discussion. The way in which he criticizes the Bill is this—He examines the Preamble, and therein he finds words which he himself says recognize the Colleges as being places of religion and learning. He admits that those words had something of a reassuring character when proposed by the hon. and learned Member for Richmond; but, now that they have been adopted by the Solicitor General, and that they appear under our auspices in a measure which we hope to carry, in his opinion they have lost all their virtue; and he considers himself entitled to set them down as equivalent to nothing in the sense of a guarantee. I am sure, however, that the right hon. Gentleman will give them a fair and a reasonable interpretation; and, on the other hand, I fully admit the right hon. Gentleman's right to ask from us an explanation of the principles and the objects of the Bill, and of the changes which have been introduced into it since last year, and a reply to the specific objections taken by himself and by the right hon. Gentleman the Member for the University of Cambridge (Mr. Spencer Walpole). As regards the general objects of the Bill, as my hon. and learned Friend the Solicitor General has very distinctly described, it leaves the Colleges to the operation of the statutes, those statutes depending for their shape at the present time, and for the modifications which they may undergo from time to time hereafter, upon the joint action of certain powers. Those powers will be, on the one hand, the members for the time being of these venerable corporations, and, on the other hand, the political authority entrusted by Parliament to control that action. The proceedings that may be taken in the exercise of those powers, as the Solicitor General contends to-night—and, as I think, most justly contends—are sure, humanely speaking, to be a fair representation of the public opinion of the country. If the Church of England retains that place in the convictions and in the affection of the country which many of us believe, which the Solicitor General believes, and which, I for one, believe she now holds, that will be her security for retaining an adequate influence and position in the Universities. But, on the other hand, should the day ever arrive when—happily as some may think, but unhappily as I should say—the Church of England, either through her demerits, her divisions, or through any other cause loses that position in the convictions and the affections of the country, it would be of no avail for us to surround her with the factitious barrier of statutes; because, by taking such a course, we should be doing nothing more than raising a new subject of contention, of which the progress might be gradual but the issue would be certain, because such statutes would inevitably give way before the pressure of the altered sentiments of the nation. But, while in dealing with these institutions with the view to giving the full effect to the principles of religious liberty and equality within the Universities and the Colleges, we are only doing that which the most sagacious opponents of concession foresaw must result from concession when once it was commenced, we are by no means doing that which in any degree tends to bring about the cessation of definite religious teaching in the Colleges. It is perfectly true that, under this Bill, religious teaching in the Colleges may no longer be confined to the doctrines of the Church of England, and that this Bill will remove the last obstacle to the foundation of institutions in Oxford, Cambridge, and Durham Universities, within the walls of which Professors and teachers of other forms of religious belief may propagate their own opinions. It is possible that, under the operation of this Bill, religion in the Colleges may be various—that it shall be free is the object of the Bill. That it shall cease to be definite, that it shall cease to correspond with sincere and heartfelt conviction, may be the apprehension of the right hon. Gentleman; but it is not the necessary, the legitimate, or the natural result of a measure such as this. The right hon. Gentleman says that what was effected by the Bill introduced 16 years ago, which became an Act of Parliament, and in which we professed to respect the main designs of the founders of the Colleges in Oxford, with regard to the subject of religion, is now about to be swept away. Here, surely, there is an over-statement of the facts of the case; because the effect of the Bill will not be to destroy those provisions which the statutes of the Colleges may continue for religious worship, discipline, and teaching, except only as far as they conflict with the principle of religious equality by the imposition of religious tests. I presume that the 4th clause in the Bill, the clause of the hon. and learned Member for Richmond—for it substantially is his clause—cannot have lost all its virtue by the fact of its having passed through the mind of the Solicitor General, and that the religious instruction, worship, and discipline of the Church of England are fully recognized by the Bill as far as they do not conflict with the great principles of religious equality. [Mr. GATHORNE HARDY: But Clause 4 is followed by Clause 5.] I am not aware that Clause 5 has the smallest effect upon Clause 4. The effect of Clause 5 is merely to repeal statutes which conflict with the provisions of the Bill, and I am reminded that a similar clause was included in the Bill of last year. Now, let us look at the points taken up by the right hon. Gentleman the Member for the University of Cambridge. In the first place, the right hon. Gentleman said that he thought he was justified in treating this measure as an indication that the views of Her Majesty's Government on the subject of the proximate disestablishment of the Church of England had undergone a change, and that that event will be attempted to be brought about much sooner than was expected, because the period for such an attempt was, at any rate, practically and sensibly approaching. In that supposition the right hon. Gentleman is very much in error. The state of the Notice Book for to-morrow promises such ample opportunities for an expression of our opinions upon the subject of disestablishment that I need only ask the right hon. Gentleman to confide in us for 24 hours, by which time we shall probably have declared our opinions upon more than one subject of great interest, more immediately connected with disestablishment than the present one, and the result of that declaration of our opinions will, I trust, be somewhat to calm the apprehensions of the right hon. Gentleman, not, perhaps, as regards this Bill, but as to any ulterior designs which we may be supposed to entertain respecting the Church of England. The right hon. Gentleman says that all suggestions in mitigation of this Bill have been rejected, while everything that tends to enhance its stringency has been accepted. I ask whether that is an accurate statement of the case? What is the main change that the Bill has undergone since it was introduced last year? It is this—that it contains an absolute and universal repeal of that clause of the Act of Uniformity which imposes tests, instead of leaving it to Colleges, by their own separate action, to pass beyond the operation of that clause. Can that be said to be a change in the sense of giving greater stringency to the Bill? It certainly gives greater effect and wider scope to the Bill. It gives to the Bill a character of settlement which, without that change it, could not have possessed; but will my right hon. Friend say that as regards that one great, and as I admit very important change, the Bill is, in its present form, more repugnant to the general body of the University than it was in its previous form? I doubt very much whether he will make that assertion.

MR. SPENCER WALPOLE: I am quite willing to admit that; but it was not to that point that I was addressing myself when I was moving the rejection of the measure.

MR. GLADSTONE: I am glad to find that I quite understood the meaning of the right hon. Gentleman upon the matter; but what I am desirous of pointing out is, that the main change that has been made in the Bill, though it is one which very greatly widens and fortifies it, is yet not such a change as is unacceptable to the members of the Universities and of the Colleges as compared with the previous optional form of the Bill. The members of the Universities and of the Colleges felt—and I think wisely felt—that the optional form of the Bill appearing to confer upon them great power did, in effect, threaten them with internal feuds and factions which would have proved most menacing to their existence and efficiency as learned and literary bodies; and I must own, speaking in the capacity of a Member of Parliament, I never could see that it was wise and just to permit those persons, who might from time to time happen to be the Fellows of the Colleges, to determine questions so vital and important as the religious character to be stamped upon the Colleges. Therefore, I contend that the change which has been introduced into the Bill is not one which can be regarded as being adverse to the views or to the sense of those whom the right hon. Gentleman represents. With regard to the Saving Clause, whatever its operation may be, that remains the same as it was last year. With regard to the headships of Colleges, I do not apprehend that that is a provision of any great importance; but it is a provision of reservation, at all events. The manner in which that clause came into the Bill was this—Those within the University of Cambridge who were favourable to the general scope of the Bill came before the Government, and represented that they had agreed among themselves upon a certain basis, which included the reservation that the headships of Colleges were not to come under the operation of the Bill. Those who generally concurred with them at Oxford entered into the same understanding, and it was upon that representation that the provision was introduced into the Bill. It is, at any rate, a provision in the direction that the right hon. Gentleman would desire we should take. There are some other objections which have been urged by my right hon. Friend which I feel called upon to notice. He says that the Universities and Colleges are mixed up together in a manner which is inconvenient, whereas, in the Bill of last year, they were kept distinct. So far, however, as the Government is concerned, I can only say that this mixing of the two is no portion of the essence of their plan, and in Committee there can be no objection, if the right hon. Gentleman desires it, to discuss these points separately. Then my right hon. Friend contends—and this is a very important contention—that the endowments of Colleges ought, in general, to be considered as private endowments. Now, that is a proposition to which we are not able in any manner to accede. We cannot accede to it in the present Bill, any more than we could have acceded to it in the measure of last year. It is impossible, I think, that endowments which were made before the Reformation—or after the Reformation—at the time when the parties wishing to endow had no choice given them between one religious communion and another, can be regarded as having been finally or absolutely appropriated, by the wills of the founders, to the purpose of one communion after the policy of the State had been altered, and rival communions became entitled to claim equal civil rights. I know that there is a portion of the property of the Colleges which derives its origin from bequests which have been made since religious liberty, in its main outline, was established; and since all religions were allowed, at any rate, to exist under the protection of the law. That portion is, however, a very limited portion; and if the right hon. Gentleman wishes to raise a question with regard to it, and to extract the limited benefactions which might be fairly supposed to have been given by the founders with a specific choice in favour of the Church of England, as compared with other religious communions existing at the same time, it is open to him to do so. We have not thought it worth while to draw any distinction of the kind; and, even from the right hon. Gentleman's own point of view, it is a distinction which ought to be urged in Committee on the Bill. But to affix generally the character of private endowments to the possessions of the Colleges, is a demand which I hardly think my right hon. Friend himself would persistently advance, on account of the course taken by Parliament in an Act of great importance, which undoubtedly comprises principles more or less applicable to the present discussion—I allude to the Endowed Schools Act of 1869. My right hon. Friend has referred to that Act, and based an argument upon what was then done. Now, two reservations were made in that Act. One was in the case of schools maintained out of the revenues of cathedrals, and the other in the case of schools where the founder had indicated a particular religious denomination which he wished to be benefited by his endowment. But suppose my right hon. Friend were to take the principle of the Endowed Schools Act, and to apply it to the Bill before the House in Committee, how very small a proportion of the property of the Colleges would be brought within its scope. Certainly, until the passing of the Toleration Act, and possibly until a later period, it would be impracticable for my right hon. Friend to urge an argument to show that the founder of a particular endowment had the Church of England in his view, because, until that time, other religions were not recognized or permitted by the law. As to other endowments, which may be said to have received a more special recognition with regard to the Church of England, the proper time to consider them is not the present, when we are proposing to do away with Parliamentary restrictions—but at the moment when the alteration in the statutes is to be proposed. When that alteration in the statutes is about to be proposed, it is perfectly open to the parties to make that quotation from Lord Brougham, which my right hon. Friend has made to-night—the amount of the force and relevancy of which I cannot attempt to define. But those endowments are not detached from the Church of England by the present Bill further than this—that Parliamentary restraint is removed from the enjoyment of them by others than those who belong to that Church. If my right hon. Friend thinks that more than that can be done, the point is one which does not touch the second reading of the Bill, and which may be much more suitably debated when we come to discuss the clauses of the Bill in Committee. My right hon. Friend then went on to contend that some special and peculiar privilege was about to be conferred on Roman Catholics by the operation of this measure, inasmuch as the Bill proposes to repeal the special disabilities under which Roman Catholics now labour with regard to access to the Universities and Colleges. It would have been most unjust, in my opinion, to leave those disabilities in existence at the time when we were breaking down other barriers and opening the Universities and Colleges, as to their endowments, to the members of other persuasions. But then my right hon. Friend says that a Roman Catholic priest in Holy Orders is not a layman, and will not be excluded by sub-Section 1 from the enjoyment of certain offices connected with the Established Church. That is perfectly true, so far as sub-Section 1 is concerned; but sub-Section 2 says—

> "Nothing in this section shall open any office (not being an office mentioned in this section) to any person who is not a member of the Church of England, where such office is at the passing of this Act confined to members of the said Church by reason of any such degree as aforesaid being a qualification for holding that office."

Now, in the opinion of the framers of this Bill, that completely meets the case, for, undoubtedly, it would be absurd that, by virtue of Roman Catholic orders, a Roman Catholic priest should be admitted to clerical offices, from which Nonconforming teachers of other classes were excluded. But this, again, is a question for the Committee. I cannot help now saying a few words on the general character of the speeches delivered by both the right hon. Gentlemen opposite; because I find, although they are entirely in opposition to the second reading of this Bill, that, partly by what they contain, and partly by what they do not contain, they open to us a more sensible prospect of a disposition towards the settlement of this question than I have yet observed in any declarations which have come from that quarter. My right hon. Friend the Member for the University of Cambridge dealt frankly and ably with the subject. He said that he and those whom he represented would be content to settle this question with proper safeguards. He did not distinctly bind or pledge himself to any statement as to what those safeguards were to be. That is a matter on which he will, probably, give us some explanation in Committee. But this I observe, that he does not, either explicitly or by implication, bind himself to resist any settlement of the question simply on the ground that it is necessary to maintain any religious test of any kind for the enjoyment of Fellowships and offices in the Universities. No such declaration as that was contained in my right hon. Friend's speech; and all I can say is, that if he thinks the time has come when a settlement may be arrived at on the basis of the removal of all such tests, that may be used as an argument to show that he ought not to resist the second reading of the Bill, and it would certainly induce us to enter into the consideration of this Bill in Committee with hopes more sanguine than I have hitherto been able to entertain. If my right hon. Friend has come to this conclusion, he has come to a conclusion exactly in accordance with that which was shadowed out by Sir Robert Peel in a speech full of forethought which he delivered in 1834—the first year in which the question of the admission of Dissenters to the Universities was raised in Parliament. Sir Robert

Peel resisted the Motion, and argued the matter with great care and pains as to the connection between that first step and the steps which were to follow. He showed that it was impossible to admit Dissenters to education at the Universities without admitting them to degrees; that it was impossible to admit them to degrees without admitting them to government; and impossible to admit them to government without admitting them to emoluments. He said—"He would then put it to the right hon. Gentleman" —the late Earl of Derby, I believe— "to say—

> "How he could upon his own principles refuse the claim of the Dissenter to a collegiate advantage not necessarily connected with ecclesiastical affairs. By what right could he establish such an invidious distinction on a matter merely of civil benefit and advantage? To his mind it did appear infinitely more rational and consistent to proceed according to the recommendation of the hon. Member for Leeds" (Mr. Baines, father of the present Member) "and grant to the Dissenters a full and equal participation in all the advantages of the Universities not necessarily of an ecclesiastical or spiritual character."

Now, that argument has been tested by the conflict of 36 years. We began by admitting Dissenters to education. The University of Cambridge did that before Parliament interfered at all. It was then found impossible not to admit them to degrees. Having admitted them to degrees, I must say that their admission to governing faculties must follow; but of all points on which to take a stand and make a resistance to their claims the least tenable and the most unsatisfactory, it appears to me, is to say that to them—"We will allow you to be taught; we will allow you to teach; we will admit you to degrees and to government; but we will not allow you to touch the emoluments." I must say, for every interest concerned, that we do well to avoid intrenching ourselves, or encouraging the Church of England to intrench itself, upon a ground the sole effect of which would be to give a bitter and sordid character to this controversy. The declaration of Sir Robert Peel was sound when he said that this question had better be treated upon a ground that would uniformly meet the whole case and put an end to contention—the ground of substantial equality as far as every personal privilege is concerned. That argument and that opinion have been completely confirmed by the experience we have had for one generation; and the last confirmation it has received, and perhaps the most emphatic, is that contained in the speech of my right hon. Friend himself, if I am right in the construction I have presumed to put upon it—namely, that he is convinced it would be wise, if practicable, with safeguards, of what character I know not precisely, to settle this question on the basis of the withdrawal of every religious test which forms a barrier to the free and equal personal enjoyment of all except purely ecclesiastical and spiritual offices by the subjects of Her Majesty, irrespective of religious professions.

MR. GATHORNE HARDY: I can echo the concluding portions of the right hon. Gentleman's speech. I trust that no argument has been, or will be, addressed to the House upon this subject involving money considerations. I believe no such consideration has been in the minds of those who have been acting for the Universities against the Bill. On the contrary, in all the alternative schemes put forward on behalf of the Universities the question of money has never entered, and the matter has been discussed only as regards the principle involved. Before going further, let me congratulate the House upon the accession to its Members of one (Lord Edmond Fitzmaurice) who does so much credit to the University where he resided, as he tells us, for five years. Whatever the University may have done with regard to those beliefs for which he showed so much contempt, at least it has sharpened his wits. Some observations personal to myself which he made, I can easily pass over, especially as they are founded on an entire misconception, which I think I can now put right. The noble Lord, referring to an election which I hoped had been forgotten, spoke in contemptuous language of Mr. Burgon's beliefs. Now, it is perfectly well known that Mr. Burgon was at that time a supporter of the present First Minister of the Crown, and that, therefore, Mr. Burgon's beliefs represented the beliefs of the right hon. Gentleman at that time. Mr. Burgon was not a supporter of mine, but of the right hon. Gentleman, and whatever may be Mr. Burgon's "beliefs" now, he certainly at the time referred to believed in the right hon. Gentleman opposite. I am bound to say he has since lost that belief, and that the right hon. Gentleman has lost his support, which has been transferred to me; and I would add that I am very proud of Mr. Burgon's support, for a gentleman of greater wit, ingenuity, vigour of character, honesty, and openness of nature I do not know; and, although he may hold what the noble Lord considers obstructive or bigoted opinions he always expresses them openly, and is never ashamed or unable to defend them at any time or place. I may add that I should have been proud if I had been returned for the University by clerical influence alone; but I find I was honoured by a majority of both lay and clerical votes. I may also explain, before proceeding to deal with the Bill, that the comment I made on my hon. and learned Friend's (the Solicitor General's) speech on the introduction of the Bill, to the effect that he had adopted a less conciliatory tone than formerly, had reference to the manner in which he spoke of the other House of Parliament. I thought he spoke on that occasion of the House of Lords in a manner which was not worthy of him, and not warranted by the circumstances, and which would render it more difficult to come to a settlement than it would have been if he had spoken in a more friendly—I would almost say in a more appreciative—manner of the course which was taken in the other House last year. The fact was, that the Bill went up to the other House at a late period of the Session, and my noble Friend (the Earl of Carnarvon) moved the Previous Question in that House on the Motion for the second reading of this Bill, because he thought it was more courteous so to dispose of it than to reject it by a direct negative, and he did so simply on the ground that there was not sufficient time to consider the various schemes and compromises of this question which had been suggested as alternatives of the Bill, to which he alluded in the course of his speech. I am sure the noble Lord never intended to cast any slight upon this House. I now come to the question of the Bill, and I am glad we can discuss it, as the right hon. Gentleman who has just sat down has discussed it, in a temper which leaves nothing to be desired as far as this House is concerned. We have heard from the right hon. Gentleman the satisfactory announcement that the Bill is not destined to lead to disestablishment, and that to-morrow night we shall hear the doubt which some have experienced, I trust, summarily disposed of. I was very sorry to hear hon. Gentlemen speak of the Church of Wales, because I myself do not know of any such Church, and I protest against any separation of the Church of England into English and Welsh portions. But the right hon. Gentleman tells us that the only change made in this Bill in the present year is, that whereas it was permissive before it is now compulsory. I have, on former occasions, expressed the opinion that the permissive principle was one of the most objectionable features of the Bill. I have always thought that when this House has made up its mind to do certain things, it had much better do them thoroughly itself, than leave it to other persons to say whether the law should operate or not, especially as the discussion among those concerned would, in nine cases out of 10, give rise to much agitation and ill-feeling, and I have always said that I hardly ever knew of a case in which a permissive Bill did not lead to a compulsory measure of a more disagreeable character than its permissive predecessor. The right hon. Gentleman has told us that the Bill is left in the same condition as last year's, with respect to the protection which it gives the religious character of the Universities. I fail, Sir, to perceive that the clause proposed last year by the hon. and learned Member for Richmond (Sir Roundell Palmer) contained both a reciting and an enacting part. When appealed to, the Solicitor General agreed to insert the reciting clause in the Bill; but refused to insert the enacting part, and so the measure now stands. And here, I may say, that I have never spoken more strongly upon the necessity of maintaining the religious character of our Universities than has the right hon. Gentleman the First Minister of the Crown himself. From the earliest of these debates he has always maintained that the religious teaching of those establishments ought, by some means or other, to be maintained. In 1864 he asserted that the distinctive teaching of the University and Colleges was to be kept up, and in the hope that some such clauses would be introduced he did not vote on the second reading, and voted against the third reading when he found his hope was not realized. Last year he still assured us that the distinctive teaching of the Universities should be maintained; but is it maintained by this Bill? Is it likely to be so maintained? Surely not, if the basis of the argument of my right hon. Friend the Member for Cambridge University is correct. The points to which the right hon. Gentleman alluded, in answer to the speech of my right hon. Friend, have been misconceived. I think the Solicitor General himself must admit that Sub-section 2 has nothing to do with offices in the Universities.

THE SOLICITOR GENERAL: There is foundation for what the right hon. Gentleman has said; it was certainly not intended, and the measure shall be amended.

MR. GATHORNE HARDY: Then, with respect to another point. If a Roman Catholic priest were to offer himself for a clerical office he would be eligible. [The SOLICITOR GENERAL: It is not intended.] I will pass from these points, then. I agree that, if a change is to be made in favour of Dissenters, Roman Catholics should be placed in the same position as anyone else; but the 31 *Geo.* III., to which the right hon. Gentleman referred, is not an Act which prevents a Roman Catholic from becoming a Fellow; it simply prevents him from becoming the head of a College; and therefore, when you have said that nothing in this Act shall apply to the headships of Colleges, it seems to me strange that you should repeal a section which prevents Roman Catholics from becoming that which the Bill before us does not offer them. I cannot help thinking that the original draught of the Bill did not contain that sub-Section 3, "Nothing in this Act shall apply to the headship of any College." The right hon. Gentleman has told us that this Bill is simply designed to get rid of all Parliamentary tests, and to lay down the principle on which it is understood the Colleges, as well as the Universities, are to act—namely, that in all cases of Fellowships or offices which do not involve the question of Holy Orders—for I put aside for the moment the Heads of Houses—the only test of the fitness of a person who is to be a member shall be his learning, and I presume his morality. Let me take an extreme case. Suppose a man avows himself to be one of those infidels of the strongest type, who in these days are not satisfied with resting in obscurity, but come forward to teach their opinions openly. If he had learning and morality, I presume it would, under the provisions of this Bill, be absolutely improper to reject him simply on the ground of his infidel opinions. You may reject him on the ground of want of morality, or because you have not confidence in his intellectual attainments; but if his morality and intellectual attainments are admitted, you must place him at once in the position of a teacher without any regard to the doctrine he professes. I have taken an extreme case; but the remark applies to every kind of creed and to the absence of creed. Can you suppose that in small Colleges—where probably the experiment will be tried soonest, you ought to set a man absolutely free, with the authority of the State upon him to teach whatever he thinks proper; and, if so, do you think you have left proper safeguards for the religious instruction of that College? I do not know what course is intended to be taken with regard to the University in the sister country, although I have my suspicions on that subject. We had the other night a discussion respecting the University of Dublin; but no explanation was offered by the Government, although they called upon the House to give them full credit for what they were going to do. Still, they resisted the Motion, which was to the same effect as the present Bill. The object of the Motion was to do away with all tests in the University of Dublin, and this Bill aims at the abolition of tests in the English Universities. Now, what is the Government going to do with the sister University in Ireland? Are they going to say that the denominational system is good for Ireland, but not for England? Are they going to say—"We will give you for the future the power of founding denominational Colleges at Oxford; but they are in themselves so bad that we will destroy the denominational Colleges which at present exist?" Surely that is the most inconsistent and unreasonable course that could be pursued. It is most unreasonable to make the Bill applicable to Worcester College, Oxford, for example, which was founded since the passing of the Act of Toleration, and which, on the Prime Minister's own view, is a purely Church of England foundation, having been founded at a time when that Church was in its present condition. The same remark applies to Downing College, Cambridge. I do not wish it to be understood, however, that I am fighting only for the post Reformation endowments, and that I am going to give up the pre-Reformation endowments. I said openly last year, and I repeat now, that if the Nonconformists want money and honours and a position equal to that of the Fellows of a College, all that will be granted by the authorities of the University of Oxford, because they recognize the fact that they cannot keep up the position they have hitherto maintained. Looking at the papers before me, I see the declaration of a great number of University men resident in Cambridge and of the majority of the residents in Oxford who oppose this Bill on principle. In particular, a remarkable address has been presented by old Brasenose men to the Fellows and Principal of that College, calling attention to the necessity of opposing the Bill. With respect to the endowments, I claim them all, and I am foolish, perhaps bigoted, enough to claim, also, the continuity of the Church of England which the noble Lord (Lord Edmond Fitzmaurice) seems to dispute. If there is not that continuity, it is a new Church; and if it is a new Church, it is indefensible to many of us. If it is absolutely a new Church, it is not Apostolic, and it is one which many of us could not, on principle, defend as we have done. I maintain, however, that it is not a new Church, and I will cite a Roman Catholic authority—Mr. Arthur Welby Pugin—on this subject. He states that it was owing to the hierarchy and laity of this country that the Church passed through the phase of getting rid of the Papal supremacy. There have, indeed, been alterations made; but we retain, in their integrity, the creeds which existed prior to the Reformation. Does the Church of Rome do so? "Who made the schism?" you may ask. I say it was made by those who adopted additional articles to the Creed at the Council of Trent. Unless the continuity of the Church depends entirely and exclusively on the Papal Supremacy, there have been greater changes in the continuity of the Church of Rome than in the continuity of the Church of England. That is my view, and I say that those things which were vested in the Church of England should be used for the teaching of her doctrines. As I have already said, I should be ready to make great sacrifices in order to purchase freedom of religious teaching for the Church of England. I admit your right to make the change now proposed. Nobody denies that the Parliament of England has the right. [An hon. MEMBER: The power.] I am not speaking of the morality of the action. You have the right to deal not only with the Church of England, but also with every one of the Dissenting foundations in this country. The argument of the noble Lord was to the effect that no man should be entitled to bind the future further than his own life and twenty-one years afterwards. That, no doubt, is an intelligible principle; but it is one which I think I had better not argue on this occasion. I am acquainted with Mr. Mill's arguments, and I likewise know that one of the Charity Commissioners published a very strong article on the subject, I think in one of the Blue Books at the public cost. I also know that Mr. Hobhouse is much of the same opinion. [An hon. MEMBER: And the Lord Chancellor.] If so, the Lord Chancellor must be in a most painful position, because he must be always administering a law which he exceedingly dislikes. I have no doubt you will find that some of those very excellent Dissenters, who support the hon. Member for Stroud (Mr. Winterbotham) in all his attacks upon us, will find themselves in another Lobby when questions of this kind are raised. I have always maintained in this House that, whether with regard to elementary, middle-class, or University education, you cannot have true religious teaching unless it is definite and distinct teaching. I admit you may teach a child, say of 10 years old, a great deal without touching upon the very special dogmas of some particular sect; but it is almost impossible to limit yourselves to that. Unsectarian teaching is always fluctuating; whereas definite and distinct teaching is always clear. You know what you are about; and the parents of England who desire their children to receive a religious education are as much interested in the religious character of Universities being preserved as were those who from the Colleges had presented Petitions against the Bill. I cannot at all concur with what the noble

Lord said concerning the religious teaching of the Universities. From my own experience I can admit its being much disregarded in many quarters; but there was also in my time much zeal and earnestness, and many of the teachers exercised a remarkable influence over the young men. In some cases it might be thought that the teaching was tainted by extreme views; but what was then supposed to be excessively High Church is now regarded as "miserable Anglicanism." I take it for granted that my hon. and learned Friend the Solicitor General will not attempt to prevent the Divinity Professors from teaching a definite and distinct creed. The Bill, I am aware, does not expressly make an exception in their favour; but, nevertheless, there are canonries attached to those Professorships, the holders of which would, therefore, be practically under the necessity of teaching distinct and definite doctrines. As to general University teaching, that will probably not be touched within this generation; but with respect to Colleges, there is a totally different state of things. I want to know why, if you are to have proper safeguards for religious instruction, common worship is repealed in the Schedule of this Bill? By the Act of Uniformity it is provided that there shall be in the College chapels worship according to the form and doctrines of the Church of England; but for an unknown reason that is now sought to be repealed. That will not help the Dissenter, because you say you mean the same worship and religious teaching to go on. Is it because you wish that there should be in the chapels any other form of worship, without the consent of Parliament—or is it that you wish to have divers kinds of teaching in them—or do you mean to do away altogether with religious teaching, if the Colleges should think fit? Surely you are not giving us any safeguards at all? On the contrary, so long as there is an Established Church, if you lay down the principle that Parliament is not to interfere, is not to legislate with a view of insuring religious teaching in Colleges, you will produce a serious effect; for, as I heard the Lord Chancellor say the other night upon another subject, you cannot lay down a principle in legislation without it having an effect upon the minds of people; if it is seen that Parliament means to abolish common worship in chapels, or, at all events, does not mean to maintain it, that will inevitably have a secularizing effect. You say that the Church of England is to stand upon her own merits, and is no longer to be propped up; but that is an argument which goes a long way—for, while it may be desirable—nay, necessary—that a Church should stand upon her own merits, she should also retain the advantages which those merits have secured to her. Why you seek to deprive her of those advantages, with a view of increasing her strength and prosperity, I am unable to make out. I hear many hon. Members on the other side of the House say that the Church of England is walking with tottering steps—they propose to take the stick out of her hand, and to endeavour to cast her down upon her face. I know it is said—"We only wish to do that as far as Establishment is concerned," for hon. Members always tell us that. I am of opinion that it is of advantage to the State that it should be connected with the Church; I think it a great advantage both to the Church and her teaching that she should be connected with the State; but I believe it to be far more to the advantage of the State than of the Church, and for that I shall be prepared to argue when the time comes, though I hope that will not be soon. Such private and premature attacks as that upon the Church in Wales we need not notice. But my point is now that when you look at those Colleges which have four or five Fellows of strong opinions, although the heads of them may be members of the Church of England, yet they are generally over ruled, and even some of the most eminent men are, if not overruled, obliged to temporize to such an extent that the power of the Fellows is practically supreme. You may have, for instance, in a College "freethinkers," who are as dogmatic as any theologian that ever existed. Scientific men arise with new discoveries, which are done away with by others, and those in their turn are swept away; and when these new discoveries become old and obsolete, and new ones arise to supersede them, these men do not say—"What fools we have been," nor do they even apologize for their reliance on those discoveries which have so grievously failed to support their conclusions. Every man seems wanting to teach, and the only checks are those sound old foundations which, at all events, have antiquity on their side, and have union with the whole of Christendom—if not in small things, yet in great—against those men who would, by their so-called discoveries, hastily upset everything which comes into collision with them. I do not wish, in any way, to check the advance of science and of inquiry; but I desire people to wait a little, and not hasten so eagerly to teach us that all we have learnt is bad, and that all they have to tell us is good. The men who hold these opinions will, as a result of this measure, obtain Fellowships in the Colleges, and, holding such opinions, will they not carry them out? If they think secularism in a College will be good, will they not force that secularism upon it? Then, as the right hon. Gentleman says, the only chance of making peace in such a College is to make it purely secular; and, in thus seeking peace, you will make a horrible solitude. Up to this time you have placed religion before learning; but the time is coming when, by the course you are adopting, you must, in justice to the conscientious convictions of these men, yield to that pressure which they put upon you, and you must subordinate religion to other teaching. That is what this Bill will bring you to. Everyone who has been in the House with me knows that upon this subject I feel strongly. I took no part in endeavouring to make a secular University in Ireland, not because I feared that such a course would react upon the Universities here, but because I did not approve of it in itself. I come now to protest against the University, to which I belong, being reduced to a secular system. I see that you are prepared to allow the foundation of new Colleges. We, in Oxford, are about to set the seal to one of those new Colleges, which will, I trust, whatever may happen, remain an effectual declaration on the part of the Church of England that she feels the value of her teaching as an essential part of instruction. In that College we shall record the name of one of the most devoted sons of the Church of England; and I trust that in that College will flourish the learning of which he was a bright example, and with it the purity and religious earnestness of which he was a still brighter.

MR. NEWDEGATE: Sir, we have in this Bill a proposal to change the fundamental character of the Universities; but although the measure is of such great importance, the aspect of the House at this moment shows that it does not excite as much interest as a Railway or Market Bill. Hon. Members on each side are quitting the House, obviously with their minds made up that the Government have a majority upon it, and that, therefore, whatever may be the principle of the Bill, it is useless to contest it, for the measure is one that is virtually certain to pass. Now, I beg hon. Members to observe the difference between what is occurring now, and what occurred the other morning, when a proposal was made for the appointment of a Committee to inquire into certain Roman Catholic institutions. Does it not show that anything which touches, even in the way of inquiry, the Roman Catholic Church in this country, is a matter of much keener interest in the House of Commons than any measure which affects the Church of England? How, let me ask, has this state of things been produced? Sir, it has been produced by a virtual abandonment of principle on the part of hon. and right hon. Gentlemen in this House, who seem to agree that, at whatever cost of principle, there must be a strong Government; and that it does not much matter what that strong Government proposes, a majority is to vote with it, and that then everything will be right. I am glad, however, to find that upon the subject of inquiring into some of those sacred institutions of the Church of Rome—for there are persons who consider them too "sacred" for the House of Commons to inquire into their regulation and internal arrangements—some little interest has been manifested. Although hon. Members — particularly those who represent the Dissenting interest—do not acknowledge it, the Church of Rome does claim to be established in this country; and the mere fact of her not having revenue voted to her by Parliament really renders her very much more independent of their attention. I wish to submit to the notice of the House this fact, that the Church of Rome is about to sweep away all dogmas except one; she is about to establish the dogma of obedience to the Pope as her paramount head, and that gives the Ultramontane Roman Catholics a strong sympathy, no doubt with the Dissenting bodies of this country who are now attacking the Universities of Oxford and Cambridge, because their education is conducted upon distinctive principles. But then I desire to direct the attention of the Dissenting bodies to this—inasmuch as they have no supreme authority to whom they are to yield obedience in such a manner as to render their adherence to distinctive doctrines entirely a subordinate thing, how will it be with them when the only other Establishment in this country which has distinctive doctrines is placed in a secondary position to that which is governed by an absolute and infallible head? Do they expect that their Colleges and their endowments, and that their religious rights, which are only to be identified by their adhesion to distinctive doctrines, will be respected by the absolutism which subordinates all doctrines to that of obedience to one man? I am perfectly aware that I am addressing to hon. Gentlemen arguments which seem to be far beyond their comprehension. They have never yet got so far as this. They are actuated by a feeling of personal jealousy of the privileges which are enjoyed by the members of the Church of England. That is the actuating motive which produces this combination between two systems which are naturally opposed as being extremes; but they combine upon one ground, the ground of personal jealousy. What are the arguments by which this measure and other kindred ones are supported? We are told that there is some most estimable person of the highest attainments who has greatly distinguished himself in science, but who cannot obtain certain honours at the University on account of his religious opinions. This is regarded as a personal injury; and for the sake of gratifying the ambition of individuals, hon. Gentlemen are prepared to sweep away in both Universities that adherence to distinctive religious teaching upon which, although the doctrines may not be the same, everyone of their own Establishments now depends. I know that hon. Gentlemen will not concern themselves about questions of principle if they can help it; whereas, when there is a personal matter at issue, the House will be crowded to witness the squabble. But a question of principle involves too much trouble; it demands so much study and honest thought that Gentlemen, busy with other affairs, leave that to take its chance, satisfied that they are following some leader whose opinions they are convinced will agree, if not with their principles, at least, with their immediate object. Now, as a Protestant myself, who has no wish to see the Wesleyan Establishments disturbed, who has no wish to see the Presbyterians ousted from their possessions, or, indeed, any of the Trinitarian Protestant denominations disturbed, I cannot help thinking and saying that they are pursuing a course which will lead inevitably to a system of legislation that must be destructive of their own independence. It is all very well to say that these institutions are attacked because they are secured by Act of Parliament, and because the nation may be supposed to have some claim upon them, and those offices which you propose to change are incidents of corporate property. That argument has been discarded long since, and I ask hon. Members opposite whether in the Irish Land Bill they do not see the principle of interference applied to private property? I ask them further how they mean to defend themselves, if the measure of interference which they so liberally extend to the Church of England is carried out in the case of their own Establishments? They will say, of course, that these are private property; but what can be more in the nature of private property than the property of the Irish landlord? And yet you are interfering with it from day to day! I would earnestly urge upon the representatives of the Dissenting bodies, then, that they are pursuing a course, and in company, which must lead to a system of interference with property consistent only with despotic government; to that the course they are pursuing clearly tends. It is natural that despotism, being successful across the Channel and in other countries in Europe, its shadow should be cast over the free institutions of this country. We constantly hear and see the example of France held up. We are told that there is no religious difficulty in France. Surely not. There is a dominant Church in France, and there all differences are subordinated to a despotic form of government. True, you may have that kind of peace; but is that the peace which the Dissenting Liberals of England desire? I venture humbly to submit these reflections as those which seem never to have received the attention of the majority in this House. They come down here to vote for measures without having first considered their bearing. Their great object is to maintain a strong Government which they may implicitly follow; but they never appear to consider for one moment that, by what my right hon. Friend the Member for the University of Cambridge calls the *lapsus* of the Solicitor General, provisions are contained in this Bill—I hope they will be abandoned —under which persons, not Roman Catholic laymen, but Roman Catholic priests, may be placed in high offices both at Oxford and Cambridge. I ask the representatives of the Wesleyan body in this House if that is what they desire? I ask the representatives of the Wesleyan body whether, if such a proposal were made with reference to their Colleges it is one that they would be thankful for or would approve? Yet hon. Members come down here for an hour or two, go home to dinner, and then come back to vote for a second reading of the Bill, as if it contained no such provisions! It is a line of action in this House which can only be met by counter action in the country, and I rejoice that that action has commenced. Last Session the hon. and learned Gentleman the Solicitor General told us, and warned us that, if we did not accept the measure of interference which he then proposed, we should have to submit to a stronger—that is, to one more disruptive of the Church of England and more antagonistic to its distinctive teaching; consequently more in accordance with the objects of the Church of Rome; and such is the nature of the present Bill. But, Sir, I hail the appearance of the measure on the Table, notwithstanding; because it seems to me to mark the tendency of the course which the Legislature is pursuing. It is all very well to tell me that the hon. and learned Gentleman cannot draw a Bill, and that these provisions are mistakes in the Bill. Why, Sir, the hon. and learned Gentleman is a Law Officer of the Crown; who should be able to draw a Bill if he is not? and I ask, then, why these provisions appear in the Bill? Had they not been pointed out by my right hon. Friend the Member for the University of Cambridge, the probability is that they would have passed unnoticed; and I thank my right hon. Friend for having shown how these provisions would operate to the disadvantage of every Protestant denomination, and to the sole advantage of the Church of Rome. I cannot forget that the hon. and learned Gentleman the Solicitor General—

THE SOLICITOR GENERAL: I suppose it is almost in vain to attempt an explanation. I have already explained—but the hon. Gentleman, I presume, was not present when I did so—that this was the merest oversight in the world. It was not intended, and I have already said, more than once, that it shall be altered.

MR. NEWDEGATE: Still I may be permitted to observe that it is a great misfortune that the Law Officer of the Crown should have introduced, or allowed his subordinates to introduce, into the Bill provisions of such a suspicious character as these; because, as I was about to remark, when the hon and learned Member interrupted me, I cannot forget that the hon. and learned Member was the spokesman of the Government in resisting the proposal to inquire into certain Roman Catholic institutions, and that on that occasion he made a speech which very much surprised me. Yet it matters not, and so *entêté* are the Dissenting bodies with the feeling of personal jealousy of the Church of England, that they are willing to inflict upon the Church provisions even of this anti-Protestant character, so only that the abolition of her distinctive privileges is secured. What is the difference between a constitutional and an absolute Government? It is this—that under a constitutional Government, regulated by law, the subject has rights which are in the nature of privileges, and these distinctive privileges include the right to have his children educated in accordance with the distinctive doctrines of the parent. In my opinion, there can be no greater privilege than that. It is a right—it is secured by law. And if you invade that right in the case of the most numerous and influential religious community in Great Britain, how can you Dissenters expect that any exception will be made in your favour hereafter? Do the Dissenters believe that they are to be the only portion of Her Majesty's subjects who are to be left in possession of this distinctive right? Is that their position?

Is that their expectation? Do you think that you will be able to shield yourselves hereafter under the plea of insignificance, when your combined power has succeeded in overturning these rights of the Church of England? Let me warn you against making such a mistake. Depend upon it that retaliation will become a necessity. Nay, it has already become so in the case of the Church of Rome; and it will become so in your case also. You forget that you are trifling with a great issue. You forget that, in violating with exultation every Protestant feeling in the breasts of members of the Church of England, and in striking down those rights and privileges which are characteristic of their freedom, you are inviting us not to respect your own. I have spoken in plain terms; and I desire to warn those who are undoubted Protestants, though not members of the Church of England, and with whom I have a wish to act, that if united with the representatives of the Church of Rome they continue these assaults upon the distinctive teaching of the Universities, and upon our right to have that distinctive teaching Protestant, they will have no guarantee for the preservation of rights and privileges by themselves which they will not respect in others.

MR. DENMAN said, that his hon. Friend the Member for North Warwickshire (Mr. Newdegate) was never more mistaken than when he asserted that those who supported this Bill did not support it on principle. No measure had ever been brought before the House founded on higher principle. As a member of the Church of England, and attached to the interests of Protestantism, he believed no measure would tend more to promote those interests than that now under consideration. Some remarkable speeches had been made on the present occasion, the most remarkable being that made by the noble Lord the Member for Calne (Lord Edmond Fitzmaurice). The noble Lord told the House that, from his experience of Cambridge University, he conceived it to be a misnomer to call that institution a place of religious education, and that observation entirely accorded with his (Mr. Denman's) experience, though it was an experience of many more years ago. He remembered when he was an undergraduate at Trinity College, Cambridge, meeting on one Sunday afternoon his tutor, the late Dr. Whewell, who told him that if he neglected to go to church that afternoon he would do so at his peril; but he declined to go, and he did not go, and nothing ever came of it. The only way in which the University was a place for religious education was this — there was a certain rule in the Colleges that the undergraduates should attend a certain number of chapels every week, whether they were Jews, Unitarians, Dissenters, Roman Catholics, or anything else. If they did that, there was no further requirement upon them. Of course, there was a slight theological examination at the Little-go examination, which all had to pass through alike; but there were no specific lectures, which anyone was required to attend as part of his education in Trinity College, with reference to any theological doctrine, or any branch of religious learning. There was nothing which imposed on them any test between the ages of 18 and 22, or required them to declare whether or not they were members of any particular Church. A new state of things occurred whenever they desired to obtain a share in the management of the University, or to participate in its emoluments; and it was of this that everyone who had any sense of justice complained. He knew nothing more demoralizing than to declare to a young man that, though he might be the third or fourth in the competition, he was nevertheless perfectly safe, and that, though others might be better than he on examination, he would still have all the advantages and secure the Fellowship, because he would swallow a test which his betters declined to take. This statement was not mere speculation, for the thing had happened, during the course of the last few years, over and over again in the University of Cambridge; and the result was that not only were men sent away from the University who would have been Dissenters in any case to the end of their days, but men who might have become members of the Church of England had been prevented from joining the Establishment, lest it might be said that they swallowed the test for the sake of putting so much a year into their pockets. No doubt, the Universities flourished in spite of all this; but every year the difficulty was getting greater and greater, and it was quite clear that the present state of things could not last permanently. In 1834, Sir Robert Peel saw that the line could not be drawn where it was now, and where it had been for many years. Under these circumstances, was it not better to take the present chance of settling the question fairly and permanently by the Bill before the House, rather than to postpone the settlement from year to year, until something ultimately resulted which even many Members on the Ministerial side of the House might not desire? Last year he (Mr. Denman) voted against the measure of the hon. Member for Brighton (Mr. Fawcett), because he thought it could be better dealt with by Government, and now that it was so dealt with, he gave it his most hearty support as a member of the Church of England and a well-wisher of his University.

Mr. BERESFORD HOPE said: Sir, I shall not follow the hon. and learned Gentleman through the details of his speech, especially as that speech referred to a former state of things which no one wishes to see recalled. No one has any unwillingness to consider some broad and generous scheme, by which a share of the higher emoluments of the Universities may be given irrespective of religious tests. The hon. and learned Gentleman has treated us to an anecdote relating to Dr. Whewell, which might convey the impression that Dr. Whewell, when a tutor, was careless or negligent as to the attendance at Divine worship on the Lord's Day, to those who do not know that it had reference not to the Church services in the College chapels, but merely to the afternoon sermon in the University church. But what was the sequel of the story? Dr. Whewell became in time the Master of Trinity, and among the great alterations he made was to institute on every Sunday morning in the chapel a sermon for the undergraduates in addition to that afternoon sermon at the University church.

Mr. DENMAN said, he had been at Trinity College since, and had never heard a sermon in the chapel on Sunday.

Mr. BERESFORD HOPE: My hon. and learned Friend would have heard one if he had gone to the 11 o'clock service. I will not detain the House by enumerating the various details of the multitudinous processes direct and indirect through which religious education is given by College examinations, or of the very elaborate system of lectures and examinations which the candidates for Holy Orders have to go through. I have been exceedingly pleased at the calm and temperate manner in which the matter has been discussed, and have heard with pleasure some of the admissions of the Solicitor General and of the Prime Minister; but all that has been said on the other side of the House is a full and ample justification of the resistance which is being offered to the second reading of the measure. This is the first time that a compulsory and not a permissive Bill upon the subject has been brought into Parliament, and it is also the first time that such a measure was brought forward by the Government. Moreover, there has not been shown by its promoters any overwhelming necessity for bringing forward such a measure for revolutionizing the University system in all its details in the middle of this overcrowded Session. On this very night the measure has displaced the last stage in Committee of a Bill of first-class importance—the Irish Land Bill. The Bill will in a few weeks come into collision with that large measure of general elementary education which I should have thought would have been sufficient for this Session. Last year middle-class education had been dealt with; elementary education is on the programme of this year; and if the higher education of the Universities had been postponed for the calm consideration of the third Session of the Reformed Parliament, no one could have said that the delay was one to which any reasonable objection could have been offered. It would have been only fair to the Universities to have reserved the question until it could have been adequately dealt with in a full and carefully framed measure instead of being treated as an incidental parenthesis by a Bill which, by the confession of its promoters, has been carelessly and incompletely drawn. Some of the provisions have been already given up by the Solicitor General, who owned that they were blunders, which he promised to remove in Committee. Again, the Prime Minister had claimed for this measure that it should have the "character of being a settlement." But the Bill had not that character, and on that ground I oppose the proposal in its present shape. At the same time, I am ready and willing to discuss a scheme of compromise which shall be really a settlement. So are all who sit on this side of the House—with perhaps the exception of the hon. Member for North Warwickshire—for all admit the necessity for a change on the ground of policy or expediency rather than of abstract right, and every man on that side of the House has come forward with concessions, basing his admission on sufficient reasons of expediency. The Solicitor General has gone more ahead than he was himself probably aware of, in his assumption of the worthlessness of founders' intentions expressed some centuries ago; and, indeed, his expressions reminded him (Mr. Hope) of an anecdote of the French Revolution. A very respectable gentleman lived in the enjoyment of an estate, to his own advantage of course, but also to the advantage of his neighbours. Some one else coveted the estates; and the owner produced his title deeds, which showed that he and his ancestors had enjoyed the property for centuries. So much more, said the revolutionary Judge, was it necessary that he should enjoy it no longer, but let some one else in for his turn. But as I have said, the Universities are willing to make concessions, and to allow not only the scholarships, but a fair proportion of the Fellowships to be filled by those who have not taken any tests. The Solicitor General and the Prime Minister have admitted that the Colleges ought still to retain their connection with the Church according to their own statutes. But, for a measure to have the character of a settlement, this is not enough. This Bill, so framed, will throw the apple of discord into the Colleges, in leaving it open, if not rather directly inviting, to those who desired further changes to agitate for their accomplishment through an alteration in their statutes. It is, I contend, not fair thus directly to invite the Dissenters to agitate for the acquisition of a larger share in the governing power in the Colleges when you are pretending to settle and to heal up the controversy for ever. The Church's old Parliamentary title will be totally abolished by this Bill, and a Parliamentary title will also be created for the participation in College emoluments of those who have not at present the right to share them. In fairness, then, let a new Parliamentary title be also created for the retention by Churchmen of what is left to them, and do not leave this residue to the fluctuating provisions of private enactments, if the measure is really to have the character of a settlement. I say, declare openly what Fellowships Parliament will throw open to Dissenters, and let Parliament declare what offices shall be reserved for members of the Church of England. Obviously among the latter should be the offices having reference to the religious teaching and the religious discipline of the Colleges and the conduct of public worship in the College chapel. It is clear that if the chapels and their worship are to be retained, there should be a provision for the continuous obligation of Holy Orders on so many of the College staff as shall make that worship a reality and not a nullity, and there should not be an absolute repeal of the 13th section of the Act of Uniformity. Among the College offices connected with the chapels stands prominently that of Dean. No doubt, where a Dean is required to be in Holy Orders by College statutes, this Bill will reach him. But I am not aware whether this obligation exists in all the Colleges of both Universities, and, even where it does, a change of statutes may, as the measure at present stands, undo the protection. I claim, then, the reservation of the office of Dean for Churchmen. Then there is also the office of tutor. At Oxford the tutor is, I understand, mainly an instructor; but at Cambridge he combines with the instruction a parental and disciplinary character, and is, in fact, the Collegiate official specially responsible to the parents of the students for their moral superintendence. Speaking, then, from the Cambridge point of view, I assert that it is only fair to the Church of England that this office should be reserved for members of the Church. This, however, need not apply to the assistant tutors, except so far as religious instruction is involved, for we freely recognise the admissibility of Dissenters to give instruction in science and literature. Those who wish to see the Church of England disestablished will not agree to these limitations; but those who desire to maintain the Universities as the great national schools of education for those liberal-minded clergymen, who are the especial glory of the English

Church, rather than see its future pastors handed over to the more narrow influences of sectional seminaries, and who wish to preserve the Church of England in her character as the most liberal and tolerant Church in the world, will hold it to be a necessary reservation and right to be established by Parliamentary sanction, in order that the education of the clergy may not be divorced from the Universities and the Colleges which they contain. In the greatness of the interests of the Church of England, and of the stake which its ministry holds in the maintenance of its connection with the Universities, rests the justification for this demand. So, too, with regard to the theological Professorships. The Bill does not sufficiently provide for the preservation of their Church character; but this may be corrected in Committee. Having freely criticized the measure in many of its parts, I must express my satisfaction that it does not touch Colleges which may hereafter be founded, and I trust that no pressure from below the Gangway will induce the Solicitor General to abandon this concession. But, with every recognition of the good intentions of my hon. and learned Friend, I still feel that the Bill fails in those conditions of fixity which can give to it the "character of a settlement" and make it a satisfactory solution of this great question; and therefore, anxious to retain our Universities and Colleges as centres of religious instruction, I shall vote against the second reading of the measure.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 191; Noes 66: Majority 125.

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *Monday* next.

IRISH LAND BILL—[Bill 29.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

COMMITTEE. [*Progress 19th May.*]

Bill *considered* in Committee.

(In the Committee.)

Mr. BRUEN said, he rose to move the insertion of new clauses for facilitating the ascertainment of the amount of compensation to be paid by the landlord, in the event of a claim being made for it by the tenant, any dispute on the point to be decided by the Court. He begged to move, after Clause 13, to insert the following clause:—

(Court to give judgment as to liability of landlord.)

"Every landlord liable to a claim of a tenant for compensation in respect of improvements under Clause four of this Act may make a requisition in writing, in the prescribed form, on his tenant, for a declaration of the sums (if any) which such tenant, if he was then quitting his holding, might claim by way of such compensation."

Clause (Court to give judgment as to liability of landlord,)—(*Mr. Bruen,*)—*brought up,* and read the first time.

Mr. CHICHESTER FORTESCUE said, the point urged by his hon. Friend was not new to the Government. It had been carefully considered by them when framing the Bill; but it had not been adopted, from the conviction that its adoption would result in a vast amount of unnecessary litigation throughout Ireland. He believed that in the vast majority of cases of improvement no occasion would arise for appealing to the Court.

Colonel WILSON-PATTEN said, he believed that much of the discontent which existed in Ireland arose from the absence of some such means of registration as that proposed by his hon. Friend the Member for Carlow (Mr. Bruen).

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he concurred with the right hon. Gentleman the Chief Secretary for Ireland in the opinion that the adoption of the proposed clause would lead to the speedy commencement of innumerable law suits. For this reason, if for no other, he should oppose the clause. The operation of the Bill would be gradual. The clause would set on foot at once a number of contentious suits.

Mr. G. B. GREGORY said, nobody could deal in Irish property with liabilities hanging over him which could not be ascertained, and which might arise at any moment, and to any amount, unless some such thing as the clause contemplated were done.

Dr. BALL said, he thought some such machinery as that suggested in the clause was absolutely necessary. There would be great difficulty if a loan were to be raised, or a property to be sold in the Landed Estates Court, in ascertaining what were the charges to which the estate was liable under the Bill.

Mr. BRUEN said, the clause had been drawn up with the express intention to prevent litigation.

Question put, "That the Clause be read a second time."

The Committee *divided*:—Ayes 103; Noes 207: Majority 104.

Mr. M'CARTHY DOWNING proposed, after Clause 17, to insert a new clause—

(Application of Act to tenancies created prior to passing of this Act.)

"Where a person shall be in possession of a holding at the time of the passing of this Act, to which he or the person from whom he derived had been tenant from year to year, and whose tenancy had been determined on the twenty-fifth day of March or first day of May last by notice to quit served by his landlord, he may claim compensation under this Act as if he was a tenant about to quit his holding, and the Court may, in its discretion, hear and determine the claim accordingly."

Clause *brought up* and read a first time.

On Motion, "That the Clause be now read a second time,"

Mr. CHICHESTER FORTESCUE said, no sufficient case had been made out for a provision of this kind, and he could not agree to the proposal.

Mr. M'MAHON said, he should support the clause.

Mr. MURPHY said, it was desirable some modification, with reference to notices to quit, should be introduced into the Bill. It was well known that notices to quit had been served in anticipation of the passing of this Bill.

Dr. BALL said, the clause could not be of any use, except in an exceedingly few cases; and he held that such retrospective legislation was to be deprecated.

Clause *negatived.*

Mr. W. M. TORRENS proposed, after Clause 26, to insert a new clause—(Leases pending sale, &c.).

Mr. CHICHESTER FORTESCUE said, this clause dealt with leasing powers, a subject which required to be carefully considered, with a view to the introduction of a Leasing Bill next Session. There was no urgent necessity for such a clause.

Clause *negatived.*

Mr. BRYAN moved, after Clause 53, to insert a new clause—(Notices to quit served by officers of Civil Bill Court). The Bill, as it stood, would neither suppress agrarian outrages nor bring about conciliation or the pacification of Ireland; but if his clause were carried it would accomplish both. The Bill, if submitted in its present form to a vote such as had recently been taken in France, would be rejected by a large majority. He was sure that the Judges of the Civil Bill Court would exercise the powers with discretion and moderation, and he hoped that the Committee would assent to it.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, he could not assent to the clause proposed by the hon. Member. The hon. Member proposed that no notice to quit should be given until the Court had determined all the equities in the case. That would interfere with almost every provision in the Bill.

Sir JOHN GRAY said, he thought that when the Solicitor General for Ireland opposed a clause he had better not give his reasons for doing so, because in the present case they were all in favour of the clause. The Court ought to have power to prevent capricious evictions. The Bill was becoming better understood in Ireland every day, even better than it was understood in England, and English thoughts were becoming understood. He warned the Government, however, against rejecting every Amendment to the Bill that came from Ireland. He trusted that the hon. Member would press his clause to a Division.

Mr. CHICHESTER FORTESCUE said, the hon. Member had stated that the Government had acted throughout on the system of rejecting every Amendment that came from Ireland. The charge contained in that statement he entirely repudiated. At the same time, he must admit that he could not always identify Ireland with every hon. Member who happened to represent an Irish constituency. He ventured to say, without fear of contradiction, that the result of the Amendments upon the Bill that had been accepted or made by the Government had been to render the measure more liberal and more in the interest of the Irish tenant than it originally was. Did the hon. Member, however, expect either that or the other House of Parliament to accept such a proposal as that now made? The clause, if inserted, would introduce a completely new Bill at the tail of the original measure, and was a substitute in five lines for the Bill with which the House of Commons had taken such great pains.

Mr. WHITWELL said, the clause would make the Court the actual author of future evictions. He hoped it would be withdrawn.

Mr. AGAR-ELLIS said, that the whole of the Bill might be dispensed with if this clause followed the Preamble. The word "popularity" had been the curse of Ireland, and he would urge the Government to do what was right by his country, in the assurance that Irishmen were not such donkeys but that they would acknowledge that the right and proper thing would in the end be most popular.

Mr. BRADY said, the alacrity with which the Opposition had accepted the Bill had created distrust among the Irish people; but the measure had now become popular. He did not, however, think the Amendment of his hon. Friend would add to its good qualities.

Mr. M'CARTHY DOWNING also objected to the Amendment.

Amendment *negatived.*

Mr. M'MAHON said, he proposed after Clause 55, to insert a new clause—

(Repeal of section of "Landlord and Tenant Law Amendment (Ireland) Act, 1860.")

"The following section of 'The Landlord and Tenant Law Amendment (Ireland) Act, 1860, fifty-two,' is hereby repealed."

The object was to re-assimilate the law of England to that of Ireland.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, the section worked well in Ireland, and the Government could not assent to its repeal. In any case this Bill was not the place to repeal the clause.

Clause *negatived.*

Mr. W. ORMSBY GORE said, he would now propose the first of a series of clauses providing for the stamping, issuing, and registration of notices to quit, and further that the surplus moneys received from this source should be applied to the purposes of the borough or county in which such notices should have been issued. His contention was that all moneys arising from Irish sources should be applied exclusively to Irish objects.

Clause (Stamps on notices to quit,)—(*Mr. William Ormsby Gore,*)—*brought up,* and read the first time.

Mr. CHICHESTER FORTESCUE said, he could not admit this principle, which was not carried out in other parts of the kingdom.

Mr. W. ORMSBY GORE said, that the clauses were taken from the Dogs Regulation Act, which was passed some five years ago.

Question put, "That the Clause be read a second time."

The Committee *divided:* — Ayes 77; Noes 210: Majority 133.

Mr. G. B. GREGORY said, he would propose, after Clause 55, to insert a new clause — (Regulations prescribed for notices to quit).

Mr. CHICHESTER FORTESCUE said, he thought the publicity would be excessive. He must oppose the clause.

Clause, by leave, *withdrawn.*

Mr. POLLARD-URQUHART proposed, after Clause 62, to insert a new clause—(Non-liability for rent for land covered by public roads).

Mr. CHICHESTER FORTESCUE said, he was at last in the happy position of being able to accept an Amendment. It was not of vital importance; but it was a wise and useful suggestion.

Clause *agreed to.*

Mr. PIM said, he desired to insert clauses abolishing the right of distress for recovery of rent, and also the landlord's priority in the case of goods taken in execution.

Mr. CHICHESTER FORTESCUE said, the question raised was too wide to be entered upon that night. Four years ago he himself proposed that the power of distress should no longer subsist by mere operation of law, though it might be kept alive by contract; and the Government would consider whether a clause in that sense could safely be introduced on the Report; but the second part of the Amendment was altogether inadmissible.

Dr. BALL said, he thought the Amendment wholly foreign to the Bill, which was not one dealing with the various remedies for the recovery of rent. Under the terms of the Amendment, the hon. Member might find himself without the means of recovering the rent of his own house property in Dublin.

Mr. M'CARTHY DOWNING said, there was an universal opinion in favour of the abolition of the Law of Distress. He had letters from seven land agents who had written to him upon this subject.

Mr. COGAN said, he believed that good results would follow the abolition of the Law of Distress. That law gave the landlord an improper advantage over other creditors.

Mr. GLADSTONE said, the various modifications which the law had received in times comparatively recent in Ireland formed important elements of the land question in the present day, those modifications having strengthened—or, as some would call it, aggravated—the old law of the land. He could not, therefore, say that an Amendment in the sense suggested by his right hon. Friend would be either foreign to the Bill or unjust or inexpedient itself. Without giving any positive pledge, the Government would consider the question, and see what they could do with it upon the Report.

Mr. CARNEGIE said, he thought the change ought not to be confined to Ireland; but that important modifications in the Law of Distress in England, and in the Law of Hypothec in Scotland, ought also to be made.

Sir JOHN GRAY said, he hoped that the Government would seriously consider this matter before making any change.

Mr. W. H. GREGORY said, unless care was taken in legislating on the subject the small tenants would be destroyed.

Mr. MURPHY said, he was of opinion that where leases existed the Law of Distress should apply; but it should be withheld where leases were not granted.

Clause *negatived.*

Mr. BOWRING proposed, page 1, line 2, in the Preamble, after "land," to insert "in Ireland."

Mr. CHICHESTER FORTESCUE said, that this was the last Amendment on the Paper, and he was glad to be able to assent to it.

Mr. PELL said, he wished to ask if the First Lord of the Treasury was prepared to give a distinct legal definition as to what was meant by the reclamation of waste lands?

Mr. GLADSTONE said, that when the Bill was drawn it was the opinion of the Government that there would be no difference of opinion, on the whole, as to what was meant by the reclamation of land, and that no legal definition was necessary; but if any suggestion, with the view of improving the phrase, were suggested previously to the Report, the Government would be ready to consider it. He did not, however, think any great difficulty was likely to occur if no alteration should be made.

Preamble, as amended, *agreed to.*

Bill *reported;* as amended, to be considered upon *Thursday*, and to be *printed.* [Bill 137.]

CONVENTUAL AND MONASTIC INSTITUTIONS.—COMMITTEE.

Mr. NEWDEGATE said, he rose to move that the Select Committee on the Conventual and Monastic Institutions should consist of 16 Members, and that the Lord Advocate should be added to the Committee; and he explained that there were already on the Committee four Irish Roman Catholic Members, of whom two were lawyers, and only one Scotch Member, who was not a lawyer; that the Committee would have to inquire into the law of Scotland, which was different from the law of England, inasmuch as he believed that there was no mortmain in Scotland, and that it was, therefore, desirable to have a Scotch lawyer on the Committee. It was acknowledged that Ireland was largely represented on the Committee, considering that the inquiry had no relation to that country; but it had been urged that this course was necessary in order to obtain a fairer representation of Roman Catholic interests than could be obtained if the Members were entirely confined to England and Scotland. Desiring, as he did, that Scotland should be represented on the Committee by more than one Member, and that the Committee might have the advantage of the legal knowledge which the Lord Advocate possessed, he begged to move that the name of the right hon. Gentleman be added to the Committee.

Motion made, and Question proposed, "That the Select Committee on Conventual and Monastic Institutions, &c. do consist of Sixteen Members."—(*Mr. Newdegate.*)

THE LORD ADVOCATE said, in expressing a hope that the House would permit him to decline the appointment, he trusted that the hon. Member for North Warwickshire would not believe him to be insensible to the honour which it was intended to confer upon him—an honour which, from press of other engagements, he was compelled to decline. The Committee would, he thought, find no difficulty in respect to the law of Scotland, which was very simple in its character as far as the inquiry was concerned, and if he could be of any service to the Committee he should be glad to give every assistance in his power short of becoming a Member.

MR. NEWDEGATE said, that as the Government did not propose the appointment of anyone else, he should divide the House upon his proposition that the Committee do consist of 16 Members.

Question put.

The House *divided*:—Ayes 34; Noes 95: Majority 61.

SALE OF POISONS (IRELAND) BILL.

On Motion of Mr. ATTORNEY GENERAL for IRELAND, Bill to regulate the Sale of Poisons in Ireland, *ordered* to be brought in by Mr. ATTORNEY GENERAL for IRELAND and Mr. CHICHESTER FORTESCUE.

Bill *presented*, and read the first time. [Bill 140.]

EXTRADITION BILL.

On Motion of Mr. ATTORNEY GENERAL, Bill for amending the Law relating to the Extradition of Criminals, *ordered* to be brought in by Mr. ATTORNEY GENERAL and Mr. SOLICITOR GENERAL.

Bill *presented*, and read the first time. [Bill 138.]

SLIGO AND CASHEL DISFRANCHISEMENT BILL.

On Motion of Mr. SOLICITOR GENERAL for IRELAND, Bill to disfranchise the Boroughs of Sligo and Cashel, *ordered* to be brought in by Mr. SOLICITOR GENERAL for IRELAND and Mr. CHICHESTER FORTESCUE.

Bill *presented*, and read the first time. [Bill 139.]

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, 24th May, 1870.

MINUTES.]—PUBLIC BILLS—*First Reading*—Pier and Harbour Orders Confirmation * (110); Gas and Water Facilities * (111).

Second Reading—Railways (Powers and Construction) * (96); Norwich Voters Disfranchisement (88).

Third Reading—Poor Relief (Metropolis) * (97), and *passed.*

Withdrawn—Irish Church Act (1869) Amendment (23).

CONTAGIOUS DISEASES ACT—THE PETITIONS.—QUESTION.

The Earl of MINTO *presented* 30 Petitions, praying for the repeal of the Contagious Diseases Act.

VISCOUNT LIFFORD said, he desired to put a Question to the noble Earl (the Earl of Minto) in reference to the Petitions he had just presented. Numerous Petitions relative to this subject had been presented to their Lordships, one of which, from Glasgow, presented by the Duke of Argyll, purported to bear 21,000 signatures. Now he (Viscount Lifford) had taken an opportunity of looking at some of those Petitions, and he found that of the signatures appended to them, many were written in the same handwriting. Many of the signatures were apparently those of children, and many were those of women: and when he considered the nature of the subject to which those Petitions referred, he thought it very doubtful whether women were thoroughly instructed as to what they were petitioning against, and he was quite sure that children knew nothing at all about it. There had been a great amount of misrepresentation on this subject. He would not enter into the question as to how successful the Contagious Diseases Act had proved in the Army and Navy; but in the printed form from which these Petitions were copied it was alleged—rather illogically—that these Act were immoral because they were successful, and that they were unsuccessful because they were immoral. There were other extraordinary statements in a paper which had been issued by an organization called the Ladies' National Association. It was stated, for instance, that the houses where the women who were subject to the Act congregated had the same protection as was afforded to private houses, and even to schools and churches. But that was quite untrue. The common law against houses of that description was in force as heretofore, and it rested with the magistrates to suppress such houses and punish the offenders. It was then stated that the Act deprived these women of every guarantee for personal freedom, which the law had asserted for all, and that it put the reputation and even the person of anyone suspected absolutely in the power of the police. But in this country everybody was to a certain extent in the power of the police. A policeman or anyone else could make any charge against any other person, whether Peer or peasant, but he would make the charge at his peril. Since this Act had been passed there had been only one case in which a respectable woman had been brought under its operation, and in that case there were certain extraordinary circumstances which led to the arrest. The Act was so guarded in that respect that any woman who gave security that she would give up her unfortunate avocation, or leave the district, was immediately released from surveillance. The third statement was even more extraordinary than the others. It described the Act as cruel to women, as violating the feelings of those whose sense of shame was not wholly lost, and as further brutalizing those who were already very much degraded. Those of their Lordships who had read the evidence of the Select Committee would know how entirely untrue that was, and to how great an extent the Act had exercised a reforming influence. At Devonport, for example, the number of prostitutes had diminished from 2,000 to 770, and at Plymouth 40 per cent had been reformed. One of the chaplains, moreover, had testified to the striking improvement in the behaviour of the women after being for a short time under his charge. The kindness they received, the time given them for reflection, and the attention bestowed on them by the chaplains in the hospitals to which they were consigned, had exercised a most salutary effect. Ladies were, nevertheless, found to organize an opposition to a measure which was thus benefiting the most unfortunate of the sex, as well as conferring great advantage on the Army and Navy. The Act was, in point of fact, a law to prevent murder—to prevent the murder of the unfortunate children who died through the most horrible malady every week, and to prevent the murder of those who died later in life from a thousand other diseases all springing from that one. He wished to ask his noble Friend, Whether, in the Petitions he had presented, there were not the names of persons who were utterly incapable of forming a judgment on the matter, including the names of children who were so young as to be unable to write at all, their names being subscribed to a mark under those of other members of their families?

THE EARL OF MINTO replied that he had little information about the Petitions. He had simply discharged his duty in presenting the Petitions. As far as he knew, judging from the names of well-known persons who headed the list, he believed the Petitions to be of a *bonâ fide* character. Many of the signatures might be in the same handwriting; but he had heard no complaint of their being appended without authority. He did not know whether the head of a family might not in some cases have signed for all of her children. He did not say that he had made up his mind on the subject; but he was informed by persons in whom he had the greatest confidence that considerable feeling against the Act existed.

THE DUKE OF ARGYLL, in presenting some further Petitions against the Act from Belfast, said he could not express an opinion as to the nature of the signatures to the various Petitions he had presented; but he agreed with the noble Earl that there was a considerable degree of feeling on the subject in the country. He had no reason to believe that the signatures to the Petitions he had presented were otherwise than genuine.

NORWICH VOTERS DISFRANCHISEMENT BILL.—(No. 88.)

(*The Lord Chancellor.*)

SECOND READING. PETITION OF A. BIGNOLD.

Order of the Day for the Second Reading, read.

LORD CAIRNS *presented* a Petition from Arthur Bignold, praying that his name may be omitted from the list of scheduled voters, and gave Notice that when they got into Committee upon the measure he should call attention to the facts of Mr. Bignold's case, and propose a clause on the subject. Mr. Bignold stated that he was not, and never had been, a voter for the city of Norwich; but his name was included in the Schedule, and that he would then be prevented from ever becoming a voter for the city. Mr. Bignold admitted that he was engaged in the transaction mentioned in the Report of the Commissioners, and which led to his name being put in the Schedule, together with those of Mr. Stracey and Mr. Allen. But when it became the duty of the Attorney General to institute prosecutions there was no evidence sufficient to proceed upon against Mr. Bignold. There was evidence against Mr. Stracey; he was put upon his trial and acquitted. In consequence of the acquittal a clause had been introduced into the Bill exempting Mr. Stracey from its operation; and Mr. Bignold felt that it was hard that Mr. Stracey, against whom there was a certain amount of evidence, should be exempted from the operation of the Bill, whereas, his (Mr. Bignold's) name was retained in the Schedule.

The LORD CHANCELLOR, in moving that the Bill be now read the second time, said, the facts on which the Bill was founded were simply these — In February, 1869, Mr. Baron Martin, after trying an Election Petition, reported pursuant to the Act, that bribery had extensively prevailed among certain persons at the Norwich election, though he acquitted the candidates of all complicity in it. A Commission was subsequently issued, which reported, last February, and they added to the Report a Schedule of three distinct classes of offenders—46 persons were reported as bribers, 119 as bribed, and 50 as guilty of treating. The Bill provided that these persons should not hereafter have a right to vote at any future election for Norwich; but a second clause enacted that any person against whom criminal proceedings had been instituted by the Attorney General should not be so disqualified unless and until he were adjudged guilty. He would not, at present, enter into the question raised by his noble and learned Friend.

Motion *agreed to*.

Bill read a second time, and *committed* to a Committee of the Whole House on *Tuesday* next.

Lord Cairns

IRISH CHURCH ACT (1869) AMENDMENT BILL. (No. 23.)

(*The Lord Redesdale*).

SECOND READING.

Order of the Day for the Second Reading, read.

LORD REDESDALE, in moving that the Bill be now read the second time, said, that this measure had been some time before their Lordships, and that, being simple, reasonable, and just, he could see no possible objection to it. Under the Act of last Session the Irish Church continued an Establishment until the 1st of January next, and it was provided that the proceeds of any preferment which might in the interim become vacant should be left in the hands of the Commissioners, and that those proceeds should be paid up to that date to any person who might be appointed to such benefice. No provision, however, was made for the case of a vacancy which might not be filled up, and the proceeds of such a preferment would, therefore, remain in the hands of the Commissioners, and swell the General Fund. Now, the provision securing payment of the income to any person appointed before disestablishment was a manifest admission that the income during that period belonged to the Church; and it was only just that if a benefice was kept open it should be paid to the Church Body, constituted for the purpose of taking charge of the temporalities of the Church. To correct this no doubt unintentional oversight was the object of his Bill, and the correction to be of any good must be made this year. It did not disturb the principle of the Act; and the Church Convention, while declining to recommend the proceeding with other suggested amendments of the Act, deeming it expedient to moot the subject of a general Amending Bill, had resolved that it would be for the benefit of the Church if this measure were carried.

Moved, "That the Bill be now read 2^a."—(*The Lord Redesdale.*)

EARL GRANVILLE hoped the noble Lord would not press his Motion. It was somewhat difficult, even in answering the noble Lord to avoid saying things which, in all probability, would provoke the expression of a different opinion from other quarters. It was most undesirable, unless urgent necessity existed, to enter on the delicate questions connected with the Irish Church. Considering how infinitesimal the advantage to the Church would be from this proposal, he was sure their Lordships would not think it desirable to send it down to the House of Commons with the chance of exciting all kinds of angry feeling. The patrons had power to fill up vacancies if they thought proper, and in a matter of a very few hundred pounds it was unadvisable to re-open the question. If some great flaw or serious hardship had existed the Government would have fairly considered it.

THE EARL OF LONGFORD said, the speech of the noble Earl reminded him of the virtuous indignation of the man who cut off his eldest son with 1*s.* and desired that his name should never be mentioned to him again. He would rather the noble Lord had introduced a Bill for the entire repeal of the Act which unfortunately passed last year; but he was willing to support this measure, such as it was, having been a member of the Convention which approved it.

LORD REDESDALE said, he was not disposed to withdraw the Bill, for he thought it was important to show who were prepared to deal fairly with the Irish Church and who were not. No doubt it was a small matter; but with regard to the endowments of the Church very small matters were of great importance. Where any living fell vacant before 1871 the gain from commutation was lost, and therefore the only way of commencing an endowment was that the income should go to the Church.

LORD CAIRNS said, he would be glad to support anything which would add to the resources of a Church which would not be very largely endowed; but he could not quite understand what the practical evil was which called for this Bill. He was not aware that any vacancy had occurred which had not been filled up—so that the matter was one affecting less than eight months. A bishopric had become vacant and had been filled up; and if a person were appointed to any vacant preferment he would be paid by the Commissioners. He agreed with the noble Earl opposite (Earl Granville) that unless some crying evil could be shown, it was undesirable to re-open the question in order to provide for a contingency which, after all, might not occur. The arrangement, moreover, was not that Parliament set aside these particular benefices and left them untouched till the 1st of January; but that as soon as any vacancy arose the income merged into the general fund, the Commissioners being directed to provide adequate payment for any person appointed to fill it up to that date. The intention evidently was that vacancies should be filled up. He hoped his noble Friend (Lord Redesdale) would not call on the House to divide on such a question, for votes might be greatly misunderstood, and those unable to support the Bill might be unfairly represented as hostile to the Church.

THE LORD CHANCELLOR remarked that the provision as to paying incumbents up to the 1st of January was inserted with a view to respecting vested interests, even down to the last moment. Compensation was fully intended; but there was a strong feeling among many supporters of the Bill against anything in the shape of future endowment. In endeavouring to convert compensation into endowment the noble Lord would be departing from the principle of the Act.

LORD REDESDALE insisted that he was not disturbing the principle of the Act. It would, of course, be useless for him to divide if he had not the support of noble Lords behind him; but he regretted the reception the Bill had met with.

Motion and Bill (by Leave of the House) *withdrawn.*

APPOINTMENT OF LANCASHIRE MAGISTRATES.—QUESTION.

THE EARL OF DEVON asked the Chancellor of the Duchy of Lancaster, Whether any change has recently taken place in the mode of appointment to the Commission of the Peace in the County of Lancaster; and, if so, the nature of such change? He understood that an alteration had been made, by which, in future, appointments to the Commission of the Peace would emanate, as in other counties, from the Lord Lieutenant, instead of, as hitherto, from the Chancellor of the Duchy. He hoped that such a change had been made, for the Lord Lieutenant was the best judge of the qualifications of persons for the magistracy, while the Chancellor frequently possessed no local knowledge.

Lord DUFFERIN stated that from the 1st of May the appointments had been, and would continue to be, made by the Chancellor of the Duchy on the nomination of the Lord Lieutenant, instead of directly by the Chancellor. This was but reverting to the old practice; which, he believed, was altered on account of some misunderstanding between the Lord Lieutenant and Chancellor of the day. He was glad the measure had the approval of the noble Earl, whose experience of the Duchy rendered his opinion of double value. The Lord Lieutenant did not change with every change of Government; he was superior to party influences, and, from his local knowledge, was a much better judge than the Chancellor as to what persons were qualified for the Commission of the Peace.

House adjourned at a quarter before Six o'clock, to Friday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 24th May, 1870.

MINUTES.] — Select Committee — Railway Accidents (Compensation), *nominated.*

Ways and Means — *Resolution* [May 23] *reported.*

Public Bills — *Ordered* — Contagious Diseases Acts (1866-1869) Repeal, *debate adjourned;* Horse Racing.

Select Committee — Kensington Road Improvement * (128), *discharged.*

Committee—Report—Benefices * [46-141]; Married Women's Property * [16].

NAVY—THE "ACTIVE" AND "VOLAGE."

QUESTION.

Colonel BERESFORD said, he would beg to ask the First Lord of the Admiralty, Whether it be the case that the two ships the "Active" and "Volage" have been constructed of iron and have been covered with wood merely to enable copper sheathing to be used, involving an additional cost of about from £6 to £7 per ton?

Mr. CHILDERS: Sir, the *Volage* and *Active* are corvette frigates built for great speed. They have iron frames and are plated with thin iron, with wooden casing, and are copper sheathed. If they had had no wooden casing the iron plating must have been thicker, and more expensively fastened, and the difference in cost would have been, not £6 to £7 a ton, as suggested by the hon. Member, but £2 to £3 a ton. On the other hand, they could not have been copper sheathed, and not only would have constantly lost speed by fouling, but would have annually cost more for docking and cleaning.

NAVY—PRIVATE FIRMS AND THE ROYAL DOCKYARDS.—QUESTION.

Sir JAMES ELPHINSTONE said, he would beg to ask the First Lord of the Admiralty, What are the reasons for the statement of the Secretary to the Admiralty, on Friday last—

> "That it was not advisable that a private firm should have the use of portions of the Royal Dockyard for the purpose of breaking up two ships for which they had made offers;"

and, whether, had that offer been accepted, it would not have been the means of giving employment to many men who have been discharged without compensation or employment?

Mr. CHILDERS: Sir, I am a good deal surprised at the Question of the hon. Member. I will undertake to say—and I am not without reason for so saying—that if we had admitted workmen employed by private persons to work in the dockyard he would, I have little doubt, been the first to object. However, as he has asked the Question, I may say that the reasons against such a course are obvious. It would be most difficult to maintain the discipline and business of a dockyard if a large number of workmen were employed in it by private persons not under the control of the Government, and it would have led to questions about hours, wages, and discipline which would have been very inconvenient. It is quite impossible to give any reply to the second Question. Whether the two ships were broken up inside or outside, the dockyard labour would be employed, and I have no means of knowing in either case how many labourers might have been formerly in the dockyard.

Sir JAMES ELPHINSTONE said, he wished to ask why the Admiralty did not break up the ships themselves?

MR. CHILDERS: It is quite impossible to answer such a Question off hand. Ships are broken up in the dockyards as well as by contract; but the extent of work at each place or time is a matter of careful arrangement.

LICENCE ON FARM HORSES.

QUESTION.

MR. HANBURY TRACY said, he wished to ask the Secretary to the Treasury, If his attention has been called to the circumstance that sixty-one Farmers, who were carting materials gratuitously for the rebuilding of the Trefeglwys Welsh Calvinistic Methodist Chapel, have been forced by the Excise Office to take out Licences for their Horses, amounting in all to £30 10*s*., and that the Building Fund of the Chapel has had to recoup to them that amount; and, whether Farmers are liable for Horse Duty when gratuitously carting materials for building and repairing churches, chapels, and schools; and, if so, whether it is the intention of the Government to take any steps for altering the Law in this respect?

THE CHANCELLOR OF THE EXCHEQUER: My answer, Sir, to the first Question of my hon. Friend must be in the affirmative. My attention has been called to it by my hon. Friend himself. But my answer is, that, in my judgment, the Excise officers were in error if they made such a charge. I think we must put a reasonable construction upon this Act. The Act says that the exemption is—"for horses kept solely for use in agriculture." It does not say solely used in agriculture. Therefore, the criterion is not the use that is made of the horse exactly, but the purpose for which it is kept; and the use is valuable as determining whether the duty ought to be charged or not only as it throws light upon what purpose the horse is kept for. The principle I have always insisted upon, and which I hope the Inland Revenue will take notice of and act on as far as they can, is, that the distinction we ought to make is, whether the use of the horse other than for agricultural purposes be a gratuitous use or otherwise. If a farmer makes money by it; if he lets out his horse to hire for any purpose, carting stones to a chapel, or for mending a road, I think he forfeits his exemption. But if he does the work gratuitously I think the horse may still be said in all fairness to be kept for the purpose of agriculture, and he does not forfeit his exemption. We must make some rule. It is manifest that we cannot enforce a forfeiture of exemption merely because a man drives his wife and children to church upon a rainy Sunday; and, if so, the principle seems to me to be that gratuitous action cannot be said to influence the purpose for which the horse is kept. The moment the driver makes money by the use of his horse in any other way than in agriculture, then he forfeits his exemption.

MR. M. T. BASS said, that in the North of Scotland great discontent had existed for some time in consequence of the mode in which this tax had been exacted for horses which had been used for carrying families to church. It was regarded as a tax upon church-going. Would the right hon. Gentleman be good enough to state whether that would longer be insisted on.

THE CHANCELLOR OF THE EXCHEQUER: The question is not whether it is church-going, but whether the service is gratuitous. A horse employed in carrying the owner's family to church comes, of course, within the exemption.

ESTABLISHED CHURCH (WALES.)

RESOLUTION.

MR. WATKIN WILLIAMS: Mr. Speaker, with the indulgence and forbearance of the House, I have now, as shortly as the nature of the subject will admit, to call their attention to the state of the Established Church in the Principality of Wales, and to move, for the consideration of the House, Resolutions to the effect that it is right and just that the Church Establishment in the Principality should, as such, cease to exist; that its union with the State should be put an end to; and that the endowments at present enjoyed by the Establishment should be appropriated to the advancement of secular education in the Principality. Sir, this country has quite recently passed through a storm, and I may even say a tempest, upon the subject of disestablishment in connection with the disestablishment of the Church in Ireland; and we are at present, I think I may say without misrepresentation, in the proverbial state of calm, almost amounting to apathy, which follows a storm; and it has appeared to me, I hope not wrongly, that this is a fitting opportunity to call the attention of the House to the subject of the Established Church in the Principality of Wales, and for this reason — that it can be done—and I hope, so far as I am concerned, that course will be followed —without appealing to angry feelings or passions; and it may be considered in that calm and dispassionate manner which becomes so grave a subject. The Church Establishment in the Principality of Wales is comprised in, although it is not precisely co-extensive with, the four dioceses of St. Asaph, Bangor, St. David's, and Llandaff. It extends over an area of 4,734,000 acres. The population of Wales, according to the Census of 1861, within these dioceses, was 1,111,780; and according to an estimate, which is the best I can form, the population at the present time is 1,220,000. The total revenue of this Church, according to the best estimate I can make of it, is £350,000 per annum. It has four Bishops, four deans, 13 canons residentiary, 10 archdeacons, and numerous minor dignitaries. The parochial clergy, as I calculated from the Clergy List of this year, amount in round numbers to 1,000; although I find that some authorities—I cannot ascertain where the discrepancy arises—put the number down at 733. The Church Establishment in the Principality of Wales is an ancient and venerable institution. It is not like the Church in Ireland, an alien Church forced upon the people by a conqueror and by an oppressor. It is not, I think I am right in saying, regarded by the people with any feelings of hostility. Indeed, in many cases, it is regarded with affection and veneration. If, therefore, as I believe I shall be able to show is the case, the Church established in Wales has not succeeded in gaining the affection and confidence of the people, if it is not trusted as a teacher of religion, the question naturally arises—What is the cause of this failure? It cannot be from want of opportunity—it has not been, in fact, from want of the most favourable opportunity; it has not been because the Church has been regarded with the hostility which was felt towards the Church in Ireland. The question, of course, is a most serious one—What is the cause? And I think I am putting the matter with perfect fairness when I say that the answer to that question—what is the reason why the Church Establishment in the Principality of Wales has not won the confidence of the people? —will naturally give us the solution of the problem which I propose to put before the House. For upon the true answer to that question will it depend whether the remedy for the existing state of things is a separation of the Church from the State, and a removal of its endowments to other purposes, or a remodelling of the Establishment, with an endeavour to constitute it upon a different and more practical basis. Sir, after an anxious and careful study of this subject for some years, I have myself come to the conclusion that the true reason why the Established Church in the Principality of Wales has been a failure, is to be found in the same cause that not only in Great Britain, but, in fact, throughout all Europe is undermining State Establishments of religion everywhere. The feeling is everywhere gaining ground that Establishments of religion by the State are both unscriptural and injurious to the cause of true religion, and that, as De Tocqueville wrote 30 years ago, State religions, if they are sometimes of momentary service to the interests of political power, always become, sooner or later, fatal to the Church. In dealing with this question I am met, before proceeding to consider its merits, with a technical difficulty; and I propose to consider that in the first instance, before I go to what I may call the merits of the question. It is said, even assuming this to be a right course to take, how can you disestablish the Church in Wales, as there is no such thing as "the Welsh Church"; no such corporation as "the Welsh Church?" Well, in one sense, that is true enough. There is no such corporation; in fact, there is no such corporation as the Church of England. The Church of England consists only of the Church body and a number of corporations in whom the property is vested. The Church of England has no legal entity as such, and can neither sue nor be sued. It can neither hold nor does it hold property. The Church of England is a general term representing the body of people belonging to the Church and the various corporations in whom the property enjoyed by the Church is vested. In that sense it is true there is no Welsh Church. For myself I see no real practical difficulty in disestablishing the Church in Wales, or in the city of London, or in the county of Lancaster, if it were thought to be desirable. Whether it is proper or desirable, is, of course, entirely a different question. Still I respect and appreciate the difficulty of many whose opinions I look up to, and who consider that this is one single indivisible Church established in England and Wales, and in that respect different from the case of the Church in Ireland, and who say you cannot disestablish the Church in the Principality of Wales apart from the Church of England. But to those I would respectfully say, in point of history the existence of the Church in Wales is separate. And I use that expression advisedly. I entirely fall in with the arguments of those who say it is not a correct expression to speak of the "Church of Wales." I use the expression "Church in Wales." But I say it is not historically correct to speak of the Church as "the Church of England established in Wales." And I hope the House will not think I am occupying their time improperly if I shortly glance at a few facts, with the view of enabling the matter to be decided hereafter, rather than with the intention of going into details now. I will give a few historical dates to show that the Church in Wales is a different and separate Church, having originated at a different time and from a purer source than the Church of England. I believe I am right in saying that the Britons embraced Christianity about the middle of the 2nd century. It may excite a smile in some, and I see it does, that I should go back to such remote periods; and I am bound to confess that, if it rested with myself, I should not think it very material to go into these dates. It is only out of deep respect to those who believe it is important, that I desire to detain the House for a few moments while I do so. In the middle of the 2nd century the Britons embraced Christianity, and it is stated in Bede's history that they received it and retained it for many centuries in all its purity and simplicity—totally different from what it is at present in the Church of England, and of course differing more particularly from the Church of Rome. So it continued for several centuries, and I have the authority of Chaucer, in his *Canterbury Tales*, for saying that the Christianity of the Britons was driven out of England, and took refuge and was to be exclusively found in Wales. Towards the end of the 6th century the Anglo-Saxons embraced Christianity, and St. Augustine was made the first Bishop of the Church of England, as I find from a letter of Pope Gregory giving him advice what course to pursue. I venture to ask the House to bear with me a little while I go into these details. I have the authority of Bede and of Thiérry, in his history of the Norman Conquest, for this statement, that at the time Augustine started the Church of the English — as it was called in those days, although now called the Church of England — the Church of the Britons, confined as it was to the Principality of Wales, was a Church very different indeed from the Church of the English. That is to say, its Bishops were not great territorial barons, as they subsequently became by the infusion of the feudal system into the Church, but were true overseers of the Church. Their authority was derived from the people, and they acted only in concert with and by assent of the people; and I prove that in this way—When Pope Gregory, in his letter to St. Augustine, advised him how to deal with the Bishops of the British, he recommended him to have an interview with them, and to endeavour to get control over them, and to subject them to his rule. He, accordingly, met many of the Bishops of Wales with their Archbishop in a Synod. They admitted that he was a messenger of truth; but gave him the significant answer that, although they were willing, so far as they were concerned, to conform to the usages and practices of his Church, they could not do so without first consulting and obtaining the assent of their people. I mention this fact because I have seen the contrary stated. The Bishops and Church of the British claimed to have a commencement totally and entirely irrespective of the Church of Rome. It is not a fact, as has been stated, that they claimed to have received the Pallium, which was the symbol of authority, from Rome: on the contrary, they disclaimed it; and that is proved by the answer which was given by the British Bishops to St. Augustine, at the second interview which they had with him, after having consulted with their people. I ask the attention of the House, for this reason—that in the Resolutions which I bring forward I am taking, as I hope I shall show, no step hostile to the Church —hostile, indeed, to the Establishment, but not to the Church. And I hope I shall be able to support the tradition which we have in Wales, and which we cling to, that the ancient British Church is a Church of pure Christianity, very different from that which is claimed for the Church of England, and that is in many respects curiously analogous to the ideas and opinions of the Nonconformist Churches in Wales at this moment. What was the answer which the Bishops of the British gave to St. Augustine, at the second Synod, when he endeavoured to induce them to succumb to his authority? They say (see *Thiérry*, vol i., p. 69; *Horæ Britannicæ*, p. 267):—

> "We will never admit the pretended rights of Roman ambition any more than those of Saxon tyranny. In the bond of love and charity we are all subjects and servants to the Church of God, yea to the Pope of Rome and every good Christian, to help them forward both in deed and in word to be the children of God; but for the submission of obedience we owe that only to God, and after God to our venerable head, the Bishop of Caerleon."

That is the answer they gave; and I think I am not asking too much when I ask the House to draw from it the conclusion that they claimed independence of the Pope, as well as of the Church of England, and they asserted it for many generations. But, as the great French historian says, for their attachment to the principles of religious liberty they paid dearly. They became, as he says, for ever after an object of persecution to the fearful despotism of the Romish hierarchy. And in the year 1115, Henry II., by the assistance and connivance of the Pope—and I do not think I shall go too far if I say by a combination of fraud and violence—appointed to the see of St. David's, which was the Archbishopric of Wales, a lawyer and courtier, one Bernard, upon the understanding that he should forego the rights of the Archbishop of Wales, and subject himself to the Archbishop of Canterbury. This Bernard accepted those conditions, and acted upon them for several years; but being disappointed in a matter of preferment he asserted the rights of his see, and actually instituted a suit in the ecclesiastical Courts to support his title; but he died suddenly before it could be decided. A small country like the Principality of Wales was obliged to give way, and from the period of Henry II. down to the reign of Henry VIII., Bishops were appointed by the Kings of England to the Church in Wales who were willing to acknowledge the supremacy of the Archbishop of Canterbury. By a combination of fraud and collusion between the Pope and King of England the ancient Church in Wales was subjected to, though not otherwise united with, the Church in England, and in the reign of Henry VIII. this was confirmed by the Act of Parliament which we in Wales regard with different feelings, but which we always look upon as the Act of Union between England and Wales. That Act provided that all the laws of England should be extended to Wales—that, in point of fact, the Principality should become one with England. The forests and marshes of that country were divided into counties; and representatives were, I believe, for the first time sent to this House. Therefore I think I have made good this proposition, that the Church of the Britons, or the Church in Wales as it may be called, was in its origin, its inception, and its spirit, a totally distinct Church—a Christian Church which existed many centuries before the Church of England, and which only by fraud and violence was subjected to the Church of England, a proceeding confirmed by Act of Parliament in the reign of Henry VIII. I use this argument for those who feel difficulties about the ecclesiastical origin of and the relations between the two Churches. Of course what the Legislature has done the Legislature can undo, and there is no practical difficulty in the way. I should myself feel no difficulty if it were thought desirable to disestablish the Church in the City of London, and I introduce this historical argument only as an answer to those who take a different view from myself on this subject.

I will now, with the permission of the House, come to the practical question—namely, the state and condition of the Church in Wales, as established at the present period; and involved in that is an explanation of the circumstances which show the cause of her failure. I shall endeavour to state the facts simply and without colour; and, I trust, without wounding the feelings or religious susceptibilities of any human being. What do we see when we look back to the reign of Henry VIII.—to the period of the Tudor Sovereigns, who owed their position upon the throne of England, chiefly to Welsh arms; for we hold to the tradition that three-fourths of the army that placed Henry VII. on the throne were those of Welshmen. [*Laughter.*] We say so, and we believe it. One may naturally suppose that when that great Act of Parliament of Henry VIII., which some persons have referred to as the cause of the peaceable, loyal, and quiet condition of Wales, passed, a spirit of conciliation and enlarged toleration would have been adopted towards a people, who although similar to the English, had sympathies, feelings, and traditions, in many respects, different from them? But what was the actual state of things? I will not quote from Welsh historians or poets, because Englishmen will say they are prejudiced; but I will read what the great historian, Thiérry, says on the subject—

> "When the religious supremacy of the Pope had been abolished in England, the Welsh, to whom the Roman Church had never chosen to lend any aid for the maintenance of their independence, adopted without reluctance, the changes decreed by the Government of England. But the Government, whilst it gave every encouragement to the translation of the Bible into English did not cause it to be translated into Welsh. On the contrary, some persons of that country zealous for the new reforms, having undertaken, at their own cost, the translation and publication of the Scriptures, so far from being praised for it, as had been the case in England, orders were given for the seizure and destruction of all copies, which were carried off from the churches and publicly burnt."

Anyone who reads the statutes of the reign of Henry VIII., will not for a moment doubt the truth of this passage. When we come to the time of the revival of learning what do we see? The wave of the Reformation spread over Europe by, as I believe, the diffusion of the Scriptures in the native tongues of the people; but in Wales the prohibition of their publication in the language which the people understood continued for the best part of a century. Probably that had no particular effect at the moment, because both England and Wales were in such a state of ignorance and darkness that it would have been of very little consequence whether they were published in English, Welsh, Latin, or any other tongue; but during succeeding years, whilst the reformation of religion was being developed in England, and the Scriptures were being read and understood by the people, what was going on in Wales? To this matter I would ask the attention of the House, for as far as I am aware, and I have studied this subject for several years, this solution of the question has never been put forward before, and I submit it with some confidence as the true solution. Queen Elizabeth, it is true, repealed the Act of Henry VIII., and passed an Act giving liberty to publish the Bible in the Welsh language; but it may be readily understood that, after a period of oppression, that was not a very easy thing to do; but at the end of the 16th century—I think I am right in saying 1588—the Bible, for the first time, was translated into Welsh by a most learned person, Morgan, Bishop of St. Asaph, and in 1620 there was another translation by Bishop Parry. Both, however, were published in folio, and being very expensive, copies were only spread to a very small extent amongst the people. I will not weary the House by going through the history of the different centuries, but will come down at once to the critical point—namely, 1745. At that time no great progress had been made in the circulation of the Scriptures in the Welsh language. Every effort had been made by England to Anglicize the Welsh, and I do not hesitate to state my opinion here, before this great Assembly, that, if English statesmen desired to Anglicize the Welsh, it was a serious error on their part to have taken the steps they did to suppress the Welsh nationality and exterminate the Welsh language. England never committed a greater mistake than in the manner in which she attempted to bring about this result. It was done in a way most hostile and offensive to the feelings of the Welsh people, and consequently very little progress was made in propagating the English language. But at the commencement of the 18th century a more lenient or negligent policy seemed to prevail. In 1730 several persons, who, to the credit of the Established Church, were clergymen of that Church — small humble men, curates and natives of Wales—set themselves about the teaching of the people and planting schools all over the country.

Their names may not be interesting to this House, but they are dear to the remembrance of the people of Wales. Those gentlemen started schools, and between 1730 and 1777, 6,000 Welsh schools were established in the Principality by their efforts. These schools, in which Welsh was taught, flourished whilst all attempts to establish English schools proved to be a complete failure. When schools had been established there arose, for the first time in Wales, that wave of the Reformation which had passed over Europe and England a long time before, and the people showed a great eagerness to become acquainted with the Scriptures, some of 60 and 70 years of age positively weeping at their not having had before an opportunity of reading them. This is the circumstance which, after a careful consideration of all the surrounding facts, appears to me to be at the root of what afterwards happened. As I have said, this great work of progress began in 1730, and continued unabated until the close of the century; but unfortunately, in 1745, the gentry of Wales joined the Jacobite Rebellion—and whether there is any connection between the two facts, I leave the House to draw its own conclusion—but for the century preceding 1745, nearly all the Bishops and dignified clergy were natives of Wales, and I will specially mention among them the venerated name of Bishop Lloyd, one of the "Seven Bishops," yet from 1745 down to the present year, not one single Welsh Bishop was appointed. I would here make a digression from my speech for the purpose of paying a tribute of gratitude to the great man who is the Leader of the party to which I have the honour to belong (Mr. Gladstone) for his last appointment of a Bishop for Wales—for his appointment of Dr. Hughes, a man not only acceptable to Church people, but to the Nonconformists of the Principality, a man of whom it is only right to say that whilst he is the first Welshman who has been appointed for 125 years he is one whom the people themselves would have elected by an enormous majority if they had been called upon to elect a Bishop. But recollect that from 1745 down to the date of his appointment, not a single Welshman was appointed to a Welsh bishopric. The language of the *British Critic and Theological Review* describing the nature of the appointment of Bishops between 1745 and the present time, though referring to the Church in England was equally applicable to the Church in Wales. The *Critic* said that without exaggeration not one Bishop in five was appointed from proper motives during the large period that elapsed between the Administrations of Walpole and Liverpool; that when a Minister of the Crown created inefficient Prelates and those Prelates preferred their inefficient sons, nephews, and cousins to the fourth and fifth generation, how could a private patron be expected to act differently? and that when a Bishop owed his consecration to a job, he would, in nine cases out of ten, be a jobber himself. The hon. Member, having read this passage, asked if this was bad for England what must it have been for Wales, where, in addition, the Bishops were alien to the native language, foreigners to the people in sympathy and thought, and who looked upon and treated them with indifference and contempt? He then read a Petition presented to the House in 1832 from persons in Wales "attached to the Church of England by principle and conviction," which called attention in very forcible language to the grievances which impaired the efficiency of the Church in Wales—that the Bishops were destitute of all knowledge of the language of the Welsh people, as were many of the clergy; that the celebration of religious rites in a language unknown to the people was repugnant to the usages of the Primitive Church and the spirit of the Scriptures; that the richest livings were held by absentees; the larger portion of the tithes of North Wales were absorbed in the repairs of cathedrals, and in the support of Colleges and bishoprics in England; and that the income received by absentees and persons totally unacquainted with the Welsh language was greater than the whole enjoyed by the working clergy. In proof of this it was stated that in 1830 there was taken from the single see of St. Asaph, by Bishop Luxmoore and his family, £27,000 per annum; Bishop Horsley and family, £2,590; Bishop Cleaver and family, £2,126; by English sinecurists, £2,675; by the Dean and Chapter of Winchester, £2,400; Colleges, £2,500; absentees, £3,185. In all, £47,556 per annum was thus diverted from this single see, while the tota sum paid to the working clergy was only £18,391. Such was the state of things in 1830. Now, what was going on outside the Church? Because my proposition is this—that owing to this circumstance, I admit an accidental circumstance, the Establishment, as such in Wales, has turned out to be a failure. This is the explanation of it. While this condition of things existed among the Bishops and high dignitaries of the Church in Wales, the people were not inactive in the matter of religion, for the good men I have mentioned had established these schools, and a revival of learning, such as it was, took place in Wales, confined principally to the reading of the Scriptures. A spirit of religion was raised amongst them, and the Bible was circulated in the Welsh language by hundreds of thousands during this critical and eventful period. The consequence was that the native people—those who spoke the Welsh language and were engaged in this revival of religion, being thus alienated from the Bishops and the great dignitaries of the Church, resorted, and resorted exclusively to the Scriptures for their information, and reading them in their plain and simple way, they came to this conclusion, which I solemnly believe to be the right one, from their unaided study of the Scriptures in their native language and without the assistance of Bishops, that State Establishments for religion are unscriptural. They found no authority for them in the Scriptures, but everything to the contrary. It is not for me to say whether they were right or wrong, but at least I may say they came to that conclusion honestly, sincerely, and without the aid of those who, if they were wrong, ought to have taken upon themselves the duty of guiding them. Preachers sprang up amongst them, not ordained clergymen, but persons who preached the Gospel in every town and village in Wales. A state of things happened, that, to a very great extent, tended to the disgrace and scandal of the Church, or to those in authority in the Church in Wales at that time. This happened. Many of the inferior clergy, like Thomas Charles, of Bala, sympathized with the movement; they preached, not perhaps in strict accordance with the rubrics of the Church, and they were denounced and condemned for it, and turned out of the Church. The Welsh people, finding that they could get no sympathy or encouragement from the Church found men amongst themselves in whom they could trust. It was proposed as late as the year 1810, when the great separation took place between the Nonconformists and the Church, that they should ordain their own ministers without having recourse to Episcopal ordination. Mr. Charles, and Mr. Rowland, and others in the Church were most anxious to meet and assist this revival amongst the people, and to go amongst them to teach; and what course was taken by the Bishops? They put a stop to it, and they said—"No; you must not do it; it is not correct; it is not strictly in accordance with the forms and rubrics of the Church." They denounced these people. Scandalous pamphlets were published against Mr. Charles. What was the effect of that? The effect was that those people who had long felt that they could not look to the Bishops and dignified clergy for spiritual instruction and true religion, withdrew from the Church. They said—"If you do not allow your ministers to come amongst us we will withdraw." And thus in 1810, although a few Nonconformist Churches had been established many years before, the great separation of the new and revived Christian Churches from the Established Church took place. At the time when this revival of learning reached the Principality of Wales, when the people read the Scriptures for themselves, and began to understand them according to their light, unfortunately for the Established Church the great Bishops and dignitaries were opposed to the people, and looked down upon them, and treated them with contempt. The consequence was that this people, who now read the Scriptures for themselves, found nothing there that led them to suppose that State Establishments of religion were at all important; and when they found these great Bishops, their families, their cousins, and their distant relatives swallowing up the funds of the Church, what conclusion could they come to but that conclusion which they arrived at from reading the Scriptures for themselves. This House may perhaps say that the conclusion was an erroneous one, and in discussing whether the proper remedy for the state of things to which I have referred is the disestablishment of the Church, it may say that the true line to be taken is not that of disestablishment, but that of effecting an improved organization of the Establishment in order to bring these people back to her. I assure the House that I express my own sincere opinion when I say that it is too late for that. A revolution in thought is taking place, not only throughout Great Britain and Europe, but throughout the whole world, compared with which the old Reformation is as nothing. Everybody seems to be upsetting everybody else's preconceived notions. I believe further, that amongst the revolutions of thought that are going on is a revolution of thought respecting Church Establishments; and I believe that that proposition which was laid down by De Tocqueville—now how many years ago!—is true—namely, that State Establishments of religion — although they may, from time to time, have served the interests of Governments, Kings, and Potentates — have been uniformly detrimental to the cause of true religion. That is the conclusion that I believe my countrymen, almost to a man, have come to; and the question is, whether this House will give effect to that opinion? It may be said — "If you disestablish the Church in Wales, you must, upon the same grounds, disestablish it also in Cornwall and in Yorkshire;" and, in answer to that, I say, as a Welshman—"Let Cornwall and Yorkshire look after themselves." ["Hear!"] I am not sure that I rightly understand that cheer; but I will add that, whenever those places wish to disestablish their Church, they shall have my hearty support. I have no doubt at all that I speak the honest and sincere ideas—the confirmed convictions and opinions of my countrymen in what I say—and in which opinions I myself most cordially and entirely concur. It may be asked, what authority have I for saying that those religious bodies that have seceded from the Established Church in Wales are a success, and that the Established Church there is a failure. I will not trouble the House very long with statistics in reference to this point, and, indeed, in reference to this particular matter it is said that the statistics, so far as we have them—that is, down to the year 1851—are not satisfactory. I should be sorry to make a single statement that is not borne out by facts—and, even upon this question, by facts that are not accepted by both sides of the House; and, therefore, I am bound to say that the statistics are not accepted as satisfactory down to 1851—and from that time to the present we have no reliable statistics. In the year 1801, which was about the time that this great revival took place in Wales, the proportion of accommodation in the churches and chapels was this—In North Wales the proportion of accommodation was, in the Church, 75·2 per cent; and all the accommodation afforded by all the other denominations was 24·8 per cent. Between the years 1801 and 1851 the population of North Wales increased at the rate of 63 per cent; or, to put it in round numbers, the increase was from 250,000 to 400,000; and, if the same proportion that existed in 1801, in reference to the accommodation furnished by the different religious bodies had continued to exist in 1851, then the Church would have added to its supply of sittings the number of 60,000, speaking roundly—the real fact being that they had supplied an addition of only 16,000 sittings. On the other hand, the Nonconformists, if they had maintained the same proportion, would have furnished 20,000 additional sittings; but, in fact, they supplied 217,000. The result of these figures is, to put the matter into terms of percentage, that the Church has retrograded at the rate of 73 per cent, whilst the various Nonconforming bodies have advanced at the rate of 960 per cent. In the whole of Wales, including Monmouthshire, the total number of places of worship is 4,006. In the year 1851, the number of places of worship supplied by the Church Establishment was 1180, whilst the number of places furnished by the Nonconformists was 2,826. As to sittings, the number supplied by the Church was 301,897, and by the Nonconformists 692,339; this being a per centage of 30 to the Church, and of 70 to the Nonconformists. Assuming that the calculation of Mr. Horace Mann is correct, that there should be accommodation in places of worship for 58 per cent of the population, then the Church has fallen off in the supply of such accommodation to the extent of 387,672, whilst the Nonconformists have exceeded their proportion by 2,770. That is to say, in other words, that the Church has provided sittings for 25 per cent of the population, and the Nonconformists for 59 per cent.

These are all the reliable statistics that can be brought forward on this subject. I make the calculation that, in 1870, the population has increased up to 1,220,000 people; and, according to an estimate given in the little work by my hon. Friend the Member for Merthyr Tydvil, the proportion between Nonconformists and Church people is as eight to one; and I have consulted many people who are considered as authorities, and they give the proportion as ten to one; but I am content to take it upon an estimate that I believe will not be disputed even by Church people themselves—namely, five to one. Of course, I know that a portion of the population cannot be classed as either Churchmen or Nonconformists, because they do not belong to either; but, taking my estimate of five to one, the Church may claim as her share 203,333½, and the Nonconformists 1,016,666⅓. Taking the proportion as one to eight, the Church would claim 135,555, and the Nonconformists 1,084,444. I abstain from drawing any conclusion myself from these facts; but there are inferences of grave importance which I leave the House to draw from them. In drawing to a conclusion, I may be permitted to repeat what I have already said—that we are wanting in reliable figures upon the subject; and, if this be so, I say, let us have a reliable inquiry into the whole of the matter. Let us have next year, when there is to be a Census of the population, a means of testing the accuracy of these statements. That is part of the justification that I have in bringing forward the matter at this time. Many people have said to me that it is premature to bring this thing forward at the present time; but what I say about that is this, that if it be a right and proper thing to be done, it is not premature to make a beginning by calling the attention of this House to the subject. I do not represent to this great assembly that my countrymen are impatient; anxious and earnest they are, but they do not expect at once to accomplish what they desire. This morning I received a letter from one of my most sanguine supporters, and he says—"I wish you God speed; we do not expect immediate success; but we hope you will launch this work." So far as regards myself personally, I venture to say this, that I am not so ambitious or so absurd as to think that I can, on a Motion of this sort, carry forward legislation upon such a subject; and, indeed, I do not for a moment expect it. To those who say this is a subject too large to be dealt with by a private Member, I say, it is you who have made it too large. I only ask the country to consider it; and I must say, on behalf of my countrymen, that they feel deeply on the subject; that they have an anxious and earnest feeling; and that it is not because they are not impatient that they are the less earnest. What they feel is this—that the time has come, judging from the tone of Government and of recent legislation, when they may make an appeal to the sense of justice and of equity of this great Assembly, and not make it in vain. Even at the moment that I am now speaking they have been successful; they have received one-half of what they are asking in the indulgence and attention with which the House has listened to me on this occasion. I hope and believe that this matter will receive full attention from the Government and from this House. I do not expect now to pass these Resolutions; I do not desire even to press them. My object will be accomplished if they receive the attention of the House; and if, in the future, the statements I have made be confirmed by facts; and if, after further discussion of the subject, some hon. Member more competent than myself should be induced to take the matter in hand, and, in a future Parliament, carry it out to successful legislation, which I conscientiously believe would tend more than anything else to promote the cause of religion and good fellowship in the Principality. I have endeavoured to put the matter before the House and the country plainly and straightforwardly. I have stated in the Resolutions clearly the point at which I am driving, because I thought that it would not be candid to bring forward a vague and general Resolution that might mean anything or nothing. What the Welsh people now wish is, that the matter should be considered and the facts ascertained; and then they believe that, in the spirit of modern legislation, the House will confirm the principles embodied in my Resolutions by extending to Wales that justice and religious equality that they have already extended to Ireland. In conclusion, I beg to move—

"1. That, in the opinion of this House, it is right that the Establishment of the Church and its Union with the State should cease to exist in the said dominion and principality:

"2. That it is just and expedient that the public endowments enjoyed by the Church Establishment should, after making provision for all vested interests, be applied to the support of a national and undenominational system of education for the said dominion and principality of Wales."

Mr. GLADSTONE: I am sure that even those who may most widely differ from the opinions and the purposes of my hon. and learned Friend will be ready to admit that they have nothing to complain of in regard to the spirit and the language with which he has treated a very difficult and intricate subject. And, indeed, by the candour of his admissions, he has opened and made ready a way for persons who either differ from him in principle, or who think, as he himself said, that the time and circumstances under which he makes his proposal would not justify the House in entertaining it with a practical view. My hon. and learned Friend has entered into an historical discussion of great interest; but I am bound to say that, having been led to give some attention to this aspect of the subject, I am not able to read the history of Wales precisely in the same sense as my hon. and learned Friend; and yet I do not think that, as far as my view varies from his, it is likely to offend him, because I am disposed to attach even much greater consequence to that unwise and unnational policy which was pursued for a great length of time by this country towards Wales, and of which Church appointments were unfortunately made the medium. But now let us look at the main questions which are raised. I cannot be surprised that my hon. and learned Friend is struck—as, indeed, everybody must be struck—with the gravity of the facts which attach to the condition of the Church in Wales. There is, to a certain extent, a resemblance between the case of the Church in Wales and the case of the Church of Ireland; but that resemblance ought not to be exaggerated. Let us consider and endeavour to compare them with respect to numbers. My hon. and learned Friend says the Churchmen of Wales may be reckoned at about one-sixth of the population. I believe, however, that the Churchmen themselves, and those who write in the interests of the Church, are accustomed to claim about one-fourth of the population. But, whichever of these figures may be the nearer to the truth, no doubt the disproportion is very remarkable in the case of a Church purporting to be the Church of the nation. It is not, indeed, at all in correspondence with the disproportion which prevailed in Ireland, because there one-ninth or one-tenth of the population was the utmost at which the members of the Established Church could be reckoned. There is one other point in regard to which the Welsh Church corresponds—I use the expression for the sake of convenience—with that of the Irish Church. It is that so large a proportion of her members belong to the upper classes of the community—the classes who are the most able to provide themselves with the ministrations of religion—and, therefore, in whose special and peculiar interest it is most difficult to make any effectual appeal for public resources and support. But, Sir, with regard to other points of not less consequence, the case of the Welsh Church is certainly widely different from that of the Irish Church. In the first place, it is quite impossible to compare the severance between the Established Church and the Nonconformists of Wales, with the severance between the members of the Irish Establishment and the Roman Catholics in that country. Not merely upon theological grounds, but also on the ground of actual sympathy or hostility of sentiment, the whole history of the case is entirely different. There was a strong and sharp antagonism between the Established Church and the Roman Catholic Church running through Ireland, and that ecclesiastical antagonism was complicated and embittered by intermixture with political questions, even graver than the ecclesiastical controversies of the country, so that the effect of the whole was that the several portions of the population were placed almost in an attitude of standing social hostility to each other. Now, whatever view we take of the anomalies of the position of the Church in Wales, I am sure my hon. and learned Friend will admit it would be a most gross exaggeration to profess that anything like a resemblance of the general position exists as between Wales and Ireland, or in the attitude of the members of the Church in Wales on the one hand, or the members of the Nonconforming bodies on the other. Again, the religious differences of Ireland had their root in the ancient history of the country. The religious differences which prevail in Wales are entirely modern. My hon. and learned Friend, in the statistics which he has quoted from the year 1801, has marked that which is familiarly known to those who have considered the case of Wales —namely, that the growth of Dissent in that country has been not less recent than it has been rapid. Even since 1801, which in questions of national history must be considered no very remote date, the figures quoted by my hon. and learned Friend show that the position of the Church relatively to Nonconformity has greatly altered for the worse. These things show that if, from any cause, the discussion of the question of the Irish Church has led to this early discussion of the case of the Church in Wales, still it would be a most precipitate and erroneous conclusion to assume that there was a substantial identity or similarity between them, even if we confine our views strictly to what is between the limits of Ireland in the one case and within the limits of Wales in the other. With regard to the facts, there is no very great difference, perhaps, between my hon. and learned Friend and myself, because the precise figures and precise proportions are not now at issue, and I own I think it creditable to the discernment and good sense of my hon. and learned Friend that he regretted the want of accurate and trustworthy information to enable us to appreciate the real facts of the case as regards the several religious opinions in Wales. I know, in some former years, there have been sharp differences of opinion in this House in respect to the best mode of getting at these facts. Certainly we must feel that the absence of that information is a misfortune, and if it be possible to devise some methods of obtaining real and accurate information in this matter—methods attended with no practical difficulties, and not repugnant to the feelings of the people—an object of some importance will have been attained. Now, Sir, my hon. and learned Friend says that the cause of Welsh Dissent is the conviction of the people, founded upon the study of the Holy Scriptures, that there is no warrant in the Christian religion for the existence of national religious Establishments. If my hon. and learned Friend will permit me to say so, without intending him any disrespect, I must say that my hon. and learned Friend has, in my opinion, entirely failed to prove that such is the case. Sufficient proof of what I say is to be found in this — that although it is true Welsh Nonconformity had taken root in the country, and had become the popular religion of the country somewhat more than half-a-century ago, my hon. and learned Friend would have found it most difficult, if not absolutely impossible, at that time to discover the slightest traces of controversy with regard to religious Establishments. It has not been a question with regard to national Establishments of religion that has had anything to do with the growth of Welsh Dissent. That is an historical challenge which I hold out to my hon. and learned Friend. I am persuaded that he has fallen into an anachronism in what he has stated. My hon. and learned Friend has indicated other causes as the growth of Welsh Dissent. But, in my opinion, the cause is to be found in the cruel and irrational policy that was pursued, even for a longer period than has been stated by my hon. and learned Friend, in regard to the ecclesiastical appointments in that country. As I understand the matter, the state of things before and after the period of the Revolution was this—The accession of the Tudor family to the Throne was the epoch at which the sun of Royal favour began to shine upon Wales. The territory of Wales was defined, the laws of England were extended to Wales, and so far from quoting the case of the translation of the Scriptures into the Welsh tongue as an instance illustrating the unkind treatment which Wales has suffered at the hands of this country, I should rather feel inclined to quote it in support of an opposite argument. Whatever may have been the case in the time of Henry VIII., we have it on record that, in the reign of Elizabeth—and contrast this treatment with that of Ireland—efforts, and effectual efforts, were made towards accomplishing the translation of the Scriptures into the Welsh language, and in the reign of James I. that work was satisfactorily accomplished. And here I may remark that I honoured the national feeling and courage of my hon. Friend the Member for Merthyr Tydvil (Mr. Richard) when, some weeks ago, in the debate on the Education Bill, referring to the high esteem which Englishmen placed upon the English Bible, he stated that he preferred the Welsh Bible, because it was finer, just in proportion as the Welsh tongue was finer than the tongue of this country. It was at this early period that that version, with which I am sorry to say I have no acquaintance, was made, and what was the course that was pursued with regard to appointments in the Welsh Church? There is not a more curious fact in English history than this—there are but four sees in Wales; and yet between the reign of Henry VIII. and the Revolution no less than 44 Welshmen were appointed to fill them. Not only, too, were the real Welsh sees occupied by Welshmen, but Welshmen overflowed into this country, and received preferment in England. That was the policy pursued in the reigns of the Tudors and Stuarts. And what was the consequence? Puritanism, which was strong in England at that period, did not exist in Wales at all. It is a remarkable fact, as stated by Hallam, that Wales was one of the strongholds of the Church and of the Royal—or, as it afterwards became, the Jacobite—party in the great struggle during the reign of Charles I. So far, then, it appears that so long as the sympathies of the nation were cultivated, the Church of Wales was perfectly acceptable to the people of Wales. And so matters continued till the Revolution. It is at that Revolution I would place the turning point of Dissent. How many Welsh Bishops have been made since the Revolution? Two. [Mr. WATKIN WILLIAMS: Yes.] Not more certainly. But there was a complete change of policy in this respect. William III. looked on Welsh-speaking Welshmen just as he looked on Gaelic-speaking Highlanders, and Irish-speaking Irishmen, as no friends to him and his new political system, and one plan towards all was pursued. It was thought good policy and good statesmanship to place every office of weight and influence in Wales in the hands of those who, he fondly hoped, would Anglicize the country. That was the root of the misery. No doubt the rise of Dissent in Wales was attributable to this cause; and, as my hon. and learned Friend said truly, it was among the clergy of Wales themselves that the first indications of a religious movement opposed to the chief religious authorities of the country appeared. I believe in the picture my hon. and learned Friend has drawn of the gross neglect, corruption, and nepotism—one cannot call it less than plunder—of the Church of Wales through a number of these Anglicizing Prelates. On that point I believe it is impossible to accuse my hon. and learned Friend of any exaggeration; but it is a proposition completely sustained by history, that the people of Wales were the staunchest Churchmen in the country as long as their Church was administered in the spirit of sympathy to their national feelings; whereas there is little room left to doubt that Wales is that portion of the country where Dissent has the deepest root and firmest organization, and claims the direct allegiance of the largest portion of the people. Whether that is to change or not I cannot say. My hon. and learned Friend has done me no more than justice in his allusion to the part which I took in filling up a vacant Welsh see; and I can assure the House that it was with no political view that recommendation was made. That recommendation was made with a view to the religious interests of the country, and whether the cause of the Church of Wales is capable of being materially improved or not is a question which I have never asked myself. At any rate, I hope that the policy which has prevailed more or less for 30 years, and which, I trust, has been largely developed in the instances to which my hon. and learned Friend has referred, will be steadily adhered to, and that the Welsh Church will be administered in a spirit consonant with the feelings of the people, and characterized by a feeling of respect and sympathy for their usages and history. My hon. and learned Friend states that the Church of Wales is a completely separate Church; and here he comes to what I would call the difficult part of his case, because, except for the sake of truth and for conventional purposes, there is really no Church in Wales. The Welsh sees are simply four sees held by the suffragans of the Archbishop of Canterbury, and form a portion of that province as much as any four English sees in that province. My hon. and learned Friend says, and shows, that there was a time when the Welsh Church was a separate Church. No doubt that is perfectly true; but, at the same time, it is necessary to go back nearly 1,300 years for the purpose of proving that distinct and separate existence, and 1,300 years form a period in which the waves of time effectually efface any footprints that may have been made on the sands.

Mr. WATKIN WILLIAMS: Seven hundred years.

Mr. GLADSTONE: I think my hon. and learned Friend does not wish me to enter upon the point of the real nature of the union which occurred at the time of St. Augustine?

Mr. WATKIN WILLIAMS: There was no union, even in form, until after the death of Griffith, the last Archbishop of Wales, in 1115, who was succeeded by Bernard the lawyer.

Mr. GLADSTONE: I am willing to make my hon. and learned Friend a present of those 600 years for the purpose of the present discussion, and to say that as regards the identity of these Churches, the whole system of known law, usage, and history has made them completely one. My hon. and learned Friend should reflect that it was not by the action of Rome that the whole of England was converted after the Saxon invasion. The history of Christianity has shown that a very large portion of England was converted not by the action of Roman missionaries, but from the North; and my hon. and learned Friend might just as well set up the doctrine of a separate Church for the northern portion of England as for Wales. There is a complete ecclesiastical, constitutional, legal, and, I may add—for every practical purpose—historical identity between the Church in Wales and the rest of the Church of England. After hearing the latter sentences of my hon. and learned Friend's speech, I can hardly say for what he recommends us to vote; but he entertains the opinion that—"it is right that the Establishment of the Church and its Union with the State should cease to exist in the said dominion and principality of Wales." I will not say what it would be right to do, provided Wales were separated from England in the same way that Ireland is, and provided that the case of Wales stood in full and complete analogy to that of Ireland in regard to religious differences. But the direct contrary of this is the truth. I think, therefore, it is practically impossible to separate the case of Wales from that of England. That is not my assertion alone, it is evidently the belief of my hon. and learned Friend himself. He has not said that we can disestablish the Church in Wales and leave the Church of England established. Nay, more, he has gone very far indeed towards saying the reverse, because he said—

> "It may be said—'If you disestablish the Church in Wales, you must, upon the same grounds, disestablish it also in Cornwall and Yorkshire;' and, in answer to that, I say, as a Welshman—'Let Cornwall and Yorkshire look after themselves.' . . . . I will add that whenever those places wish to disestablish their Church, they shall have my hearty support."

I am not making any unfair assumption, or endeavouring to entrap my hon. and learned Friend into an admission that he does not intend to convey, when I say that the real question which he endeavoured to raise was the disestablishment of the Church of England. The candour of my hon. and learned Friend is not less remarkable than the clearness with which he has treated the subject, and he has stated frankly and fairly that which, even if it had not been stated, would have been sufficiently obvious. We are not prepared to enter upon any crusade for that purpose. We do not think it our duty, in the first place, to endeavour to determine that question by any abstract arguments about national Establishments. If there are those who consider that national Establishments are opposed, under all circumstances, to the principle of the Christian religion, we do not belong to the number of such persons. It is our duty to look at the case of the Church of England as we find it. It is our duty to look at the facts and principles of the case, and to the feelings and convictions of the people with regard to it. In the first place, we are encountered at the threshold of the question by the old statistical controversy, with regard to which we seem to have been thus far rather too much in the condition of men who are determined to keep themselves in the dark; but we look to such communications as we have at our command, such as the Returns of marriages in the country, for I take them to be a not unfair indication of the relative amount of strength of the religious communities in zealous, intelligent, and attached members; and it is their strength in that sort of vague adhesion which is all that in many cases a national Church is likely to command and to retain, which is one of the purposes for which it exists. I am bound to say that my belief is that the Established Church of England is the religion of a considerable majority of the people of this country. I can only say that, independently of that which appears to establish a good *primâ facie* ground for remaining where we are, I do not envy my hon. and learned Friend or my hon. Friend the Member for Merthyr Tydvil, or any other man who ventures to take in hand the business of disestablishing the Church of England. Even if it were as fit to be done as I think it unfit, there is a difficulty in the case before which the boldest man would recoil. It is all very well so long as we deal with abstract declarations put upon the Notice Paper of this House, of what might be done or ought to be done. But only go up to the walls and gates, and look at the way in which stone is built upon stone, on the way in which the foundations have been dug, and the way they go down into the earth, and consider by what tools, what artillery you can bring that fabric to the ground. I know the difficulties, and I am not prepared, in any shape or form, to encourage—by dealing with my hon. and learned Friend's Motion in any way except the simple mode of negative—the creation of expectations which it would be most guilty, most unworthy, most dishonourable on our part to entertain, lest we should convey a virtual pledge. We cannot go in that direction; we do not intend to do so; we deprecate it, and we should regard it as a national mischief. Under these circumstances, I hope the House will be prepared to meet with a negative the Motion of my hon. and learned Friend, and without the slightest reproach to him or to those whom he represents, because we believe it is neither called for by the circumstances, nor agreeable to the desires and convictions of the people of this country.

Mr. OSBORNE MORGAN avowed himself to be one of those who believed that a time was coming, surely, though slowly, when such a measure of disestablishment as had already been applied to the Church in Ireland would have to be extended not only to Wales, but to every part of the kingdom. Leaving, however, the wider field of discussion, he undertook to show that this year, in which the Irish Church ceased to exist as an Establishment, the Church in Wales was the greatest ecclesiastical anomaly to be found in the whole world. Applying a numerical test to the subject, he found that the number of people who attended Divine service on a particular Sunday in 1851 was—in churches 10·10 and in chapels 42·10 of the population. Since then there were no official statistics; but he had been furnished with figures which showed that since then Dissent had gained ground in Wales, and that many more services took place in chapels than in churches. The Prime Minister, in stating that Dissenters in Wales were to Churchmen in the proportion of four to one, had considerably understated the fact; the proportion, he believed, was much more nearly seven to one, and that did not by any means represent the whole of the question. Churchmen in Wales were composed almost exclusively of the richer portions of society. Every landowner, every country gentleman, every large farmer, and almost every professional man and large tradesman went to church, while every small farmer, small tradesman, and the whole of the labouring classes went to chapel; so that they had in Wales what was insisted on for the disestablishment of the Church in Ireland—namely, a Church kept up for the rich man at the expense of the poor majority. Differences of religion, again, were perpetuated by differences of language, and the same boundary lines which divided Churchmen from Dissenters practically divided Englishmen and Welshmen. The case for the disestablishment of the Church in Wales was just as strong as it had been for the disestablishment of the Church in Ireland; and Conservative Members, to do them justice—and notably the right hon. Gentleman the Member for the University of Oxford (Mr. Gathorne Hardy), had pointed this out clearly in last year's debates. The advocates of disestablishment would, consequently, be fighting the Opposition this year with weapons forged in their own smithy. The arguments, in fact, were driven so home last year that it became necessary for Liberal Members to distinguish, if they could, between the cases of England and Ireland. The President of the Board of Trade made great use of "the badge of conquest" argument; but to him, he confessed, that had always seemed a very weak ground to take up. He could not understand the force of an appeal for legislation in the present day based upon the fact that several hundreds of years ago his ancestors—if he had any—might have gone to Ireland and conquered the ancestors of hon. Gentlemen who sat for Irish constituencies in the present day. The right hon. Gentleman at the head of the Government supposed that there was not the same hostility existing towards the English Church on the part of the Dissenters in Wales which existed on the part of Roman Catholics to the Irish Church. The right hon. Gentleman certainly must have been more pleasantly occupied in 1868 than in canvassing a Welsh constituency or he would have known better—he would have found an amount of bitterness and hostility which was deeply to be regretted, but which hardly existed to the same extent in any other country. But there was, however, this difference between the two countries, that whilst Dissent in Wales was a plant of foreign growth—such a thing as a Dissenter having hardly existed there 150 years ago—in Ireland it had existed from time immemorial. It was a singular fact that those who were now anxious to bring back Dissenters to the Church, when they had the opportunity of doing so did everything they could to scatter them. The original cause of Dissent might be summed up in two words—"English Bishops." For where there was an English Bishop there speedily followed English deans, English archdeacons, English vicars-choral, and English rectors. Nowhere had the English Church been more disgraced by the selfish disposition of the English holders of offices. During the reigns of the Tudors and the Stuarts several Welshmen had been mitred; but since the accession of the House of Brunswick, not a single office had been so conferred. The consequence was, that the services in the Church had been changed into English; but the churches themselves were deserted. And to such a point had these preferments of Englishmen been carried that until quite recently, in the largest towns, such as Cardiff and Swansea, the most important preferments were held by men who could not understand one word of the language of the people among whom they ministered. The attempt to suppress the Welsh language had failed, as similar attempts had failed in Poland and Hungary, and the result had been not that the Welsh language had been exterminated, but that the English churches had been deserted, and the English churches being deserted, Dissent rushed in—like air into a vacuum—to supply the religious needs of the people. He would not say, as an hon. Member had done, that but for the efforts of the Dissenters the Devil might have had the whole of Wales for his peculiar province; but the religious life which the people now professed was, without doubt, mainly owing to the exertions of the Welsh preachers. His right hon. Friend appeared to think that by removing the causes which led to dissent, Dissenters would be restored to the Church. But it was one thing to scatter the flock, and quite another to bring them back to the fold. These were not the days for conversions to Church principles; and although it might be true, according to Sidney Smith's witty remark, that carriage horses always drove to the Church, and social considerations might continue to exert their influences in favour of Establishments, these influences were very limited and very superficial, especially in Wales; they did not touch the hearts of the people. The Welsh had been made what they were by Nonconformist preachers, and Nonconformists they would remain to the end of the chapter. Of one thing he was quite sure, when the day for the attack on the Church of England came—as come it must, the weakest part of the fortress would be found to be that which was located in Wales. He did not altogether approve abstract Resolutions; they were like shots fired in the air, and did not hit anything. He was strongly in favour of disestablishment; but he did not like the long agony of piecemeal disestablishment. It was like putting a man to death by tearing him limb from limb. A much larger question was involved, and sooner or later they must be prepared to deal with it—the question of no Established Church at all. The fruit was not yet ripe; but there were powerful influences at work, and a feeling was steadily growing up in the minds of the earnest and far-seeing members of the Church of England that the time would soon come when religion must stand on its own ground, and when they would not be regarded as its best friends who, to adopt the simile used the other night by the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy), were afraid to take away from the Church the stick on which she leaned, lest she should fall flat on her face; but those who were for teaching her to walk with freer and firmer tread after she had ceased to lean on the crutches of the Establishment.

Mr. SCOURFIELD regretted the hon. and learned Member had moved these Resolutions, for independent of the general objection that applied to abstract Resolutions, he had not even urged anything in favour of that part of them which referred to the Church. The only practical result would be to lead to a good deal of irritation between the two bodies in Wales—Churchmen and Dissenters. They combined, no doubt, the pugnacious and pacific elements, and the latter had as much right to be considered as the former. A great number of Churchmen were well-disposed towards their Dissenting brethren, and lived on friendly terms with them; but by these kind of attacks on the Established Church they were put into a false position. The precedent of the Irish Church was no precedent for Wales. As Bishop Butler said—"Everything is that which it is, and not something else." Ireland was Ireland, and Wales was Wales. Wales was not an island, which Ireland was. Besides, the relations between Churchmen and Dissenters could not be compared with those existing between Roman Catholics and Churchmen. What national object could the hon. and learned Member accomplish by a Resolution of this kind? He quoted a passage from a Charge by the Bishop of St. David's to show the relations existing between Churchmen and Nonconformists in Wales, that right rev. Prelate having ordained not a few Nonconformists, who sometimes, at a considerable sacrifice of emolument, sought admission into the ministry of the Church —men of earnest religious convictions, who wished not to preach a new Gospel, but to preach the old Gospel in the pulpits of the Establishment. The recent appointment to the Episcopal Bench in connection with Wales had been commended; but the Welsh Bishops had generally been men of great ability and liberality of sentiment. He might instance both the Bishop of St. David's and the late Bishop of Llandaff. He was at a loss to see what practical object could be gained by the adoption of these Resolutions. With reference to that part of the Motion which related to the application of funds, he believed such a proposition was eminently unsatisfactory, inasmuch as it was calculated to provoke quite as much bitterness, as might be occasioned by devoting the money to educational purposes, as under the present system. He had always objected to abstract Resolutions of this character. Since he first obtained a seat in that House he had observed that it was used for two purposes—namely, as a machine for carrying on business, and as a chimney for letting off steam. He supposed it was under the latter aspect that the hon. and learned Member regarded it when he introduced his Motion; and he hoped that, having relieved his mind, he would not proceed any further.

Motion made, and Question put,

"That, in the opinion of this House, it is right that the Establishment of the Church and its Union with the State should cease to exist in the dominion and principality of Wales." — (*Mr. Watkin Williams.*)

The House *divided*:—Ayes 45; Noes 209: Majority 164.

AYES.

Allen, W. S.
Anderson, G.
Beaumont, W. B.
Brewer, Dr.
Bright, J. (Manchester)
Browne, G. E.
Callan, P.
Candlish, J.
Carter, Mr. Alderman
Cave, T.
Cowen, J.
Craufurd, E. H. J.
Davies, R.
Dilke, Sir C. W.
Dillwyn, L. L.
Edwardes, hon. Col. W.
Ewing, H. E. C.
Fawcett, H.
Fothergill, R.
Gilpin, C.
Graham, W.
Hadfield, G.
Henley, Lord
Herbert, hon. A. E. W.
Howard, J.
Kinnaird, hon. A. F.
Leatham, E. A.
Lewis, J. D.
Loch, G.
Lush, Dr.
Lusk, A.
M'Clure, T.
M'Laren, D.
Miller, J.
Morgan, G. O.
Potter, T. B.
Reed, C.
Richard, H.
Shaw, W.
Smith, J. B.
Stevenson, J. C.
Taylor, P. A.
Whalley, G. H.
White, J.
Williams, W.

TELLERS.
Lawson, Sir W.
Smith, E.

NOES.

Acland, T. D.
Adderley,rt.hn.Sir C.B.
Amcotts, Colonel W. C.
Amphlett, R. P.
Anson, hon. A. H. A.
Arkwright, R.
Assheton, R.
Ayrton, right hon. A. S.
Bagge, Sir W.
Bailey, Sir J. R.
Baker, R. B. W.
Ball, J. T.
Bass, A.
Bass, M. T.
Bateson, Sir T.
Beach, W. W. B.
Beaumont, Captain F.
Beresford, Lt.-Col. M.
Birley, H.
Blennerhassett, Sir R.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bowmont, Marquess of
Bowring, E. A.
Brassey, H. A.
Brown, A. H.
Bruce, Lord C.
Bruce, rt. hon. Lord E.
Bruce, right hon. H. A.
Bury, Viscount
Buxton, C.
Cameron, D.
Cardwell, right hon. E.
Cave, right hon. S.
Cavendish, Lord F. C.
Cavendish, Lord G.
Cawley, C. E.
Cecil, Lord E. H. B. G.
Chambers, M.
Charley, W. T.
Childers,rt. hn. H. C. E.
Clive, Col. hon. G. W.
Coleridge, Sir J. D.
Collier, Sir R. P.
Corbett, Colonel
Crawford, R. W.
Dalrymple, C.
Dalrymple, D.
Davenport, W. B.
Davie, Sir H. R. F.
Dawson, R. P.
Denman, hon. G.
Dent, J. D.
Dickinson, S. S.
Dimsdale, R.
Dodson, J. G.
Dowse, R.
Duff, M. E. G.
Duncombe, hon. Col.
Eastwick, E. B.
Elliot, G.
Erskine, Admiral J. E.
Ewing, A. O.
Eykyn, R.
Feilden, H. M.
Fielden, J.
Finch, G. H.
Fitzwilliam, hn.C.W.W.
Fletcher, I.
Floyer, J.
Foljambe, F. J. S.
Forester, rt. hon. Gen.
Forster, rt. hon. W. E.
Foster, W. H.
Fowler, R. N.
Gallwey, Sir W. P.
Galway, Viscount
Gladstone,rt. hn. W. E.
Gladstone, W. H.
Gore, J. R. O.
Goschen, rt. hon. G. J.
Grant, Col. hon. J.
Graves, S. R.
Greaves, E.
Greville, hon. Captain
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Grove, T. F.
Guest, M. J.
Gurney, right hon. R.
Hambro, C.
Hamilton, Lord C. J.
Hamilton, Lord G.
Hamilton, I. T.
Hamilton, Marquess of
Hardy, right hon. G.
Hardy, J.
Hardy, J. S.
Hartington,Marquess of
Hay, Sir J. C. D.
Headlam, rt. hon. T. E.
Henley, rt. hon. J. W.
Henry, J. S.
Herbert,rt.hn.Gen.SirP
Hermon, E.
Heygate, Sir F. W.
Hibbert, J. T.
Hodgkinson, G.
Hodgson, W. N.
Holland, S.
Holmesdale, Viscount
Hornby, E. K.
Hunt, rt. hon. G. W.
Hurst, R. H.
Hutt, rt. hon. Sir W.
Hyde, Lord
Ingram, H. F. M.
James, H.
Johnstone, Sir H.
Jones, J.
Kavanagh, A. MacM.
Kay-Shuttleworth, U.J.
Kekewich, S. T.
Kennaway, J. H.
Kingscote, Colonel
Lancaster, J.
Langton, W. G.
Lefevre, G. J. S.
Liddell, hon. H. G.
Lindsay, hon. Col. C.
Lindsay, Col. R. L.
Lloyd, Sir T. D.
Locke, J.
Lopes, Sir M.
Lorne, Marquess of
Lowe, rt. hon. R.
Lowther, Colonel
Lubbock, Sir J.
Lyttelton, hon. C. G.
Mackintosh, E. W.
M'Lagan, P.
Mellor, T. W
Meyrick, T.
Milles, hon. G W.
Mills, C. H.
Monk, C. J.
Morgan, C. O.
Morgan, hon. Major
Morrison, W.
Mowbray, rt. hon. J. R.
Newdegate, C. N.
Noel, hon. G. J.
North, Colonel
Paget, R. H.
Pakington, rt. hn. Sir J.
Palmer, Sir R.
Parker, C. S.
Parker, Lt.-Col.W.
Patten, rt. hon. Col. W.
Peek, H. W.
Peel, A. W.
Pelham, Lord
Phipps, C. P.
Playfair, L.
Plunket, hon. D. R.
Price, W. P.
Raikes, H. C.
Rebow, J. G.
Robertson, D.
Round, J.
Russell, F. W.
Russell, H.
St. Aubyn, J.
Salomons, Sir D.
Sandon, Viscount
Sclater-Booth, G.
Scott, Lord H. J. M. D.
Scourfield, J. H.
Selwin - Ibbetson, Sir H. J.
Smith, A.
Smith, F. C.
Smith, R.
Stanley, hon. F.
Stanley, hon. W. O.
Stansfeld, rt. hon. J.
Stone, W. H.
Talbot, C. R. M.
Talbot, J. G.
Talbot, hon. R. A. J.
Taylor, rt. hon. Colonel
Tipping, W.
Tollemache, hon. F. J.
Tracy, hon. C. R. D. Hanbury-
Trelawny, Sir J. S.
Turner, C.
Turnor, E.
Vivian, A. P.
Vivian,Cap. hn. J. C.W.
Walker, Major G. G.
Walpole, rt. hon. S. H.
Walsh, hon. A.
Waterhouse, S.
Whatman, J.
Whitwell, J.
Wilmot, H.
Woods, H.
Winn, R.
Wynn, C. W. W.
Wynn, Sir W. W.

TELLERS.

Adam, W. P.
Glyn, hon. G. G.

CONTAGIOUS DISEASES ACTS (1866—1869) REPEAL.

Mr. W. FOWLER rose, pursuant to Notice, to move, "That leave be given to bring in a Bill to repeal the Contagious Diseases Acts (1866—1869)"—

STRANGERS ORDERED TO WITHDRAW.

Mr. CRAUFURD: Mr. Speaker, I see Strangers present.

After a short pause—

Mr. BOUVERIE said, that if the hon. and learned Member persisted in calling attention to the presence of Strangers they must be ordered to withdraw.

Mr. SPEAKER: I beg to suggest that on re-consideration the hon. and learned Member for Ayr will not insist on excluding Strangers. Does the hon. Member persist?

Several hon. Members were understood to call upon the hon. Member for Ayr to withdraw his Motion.

MR. BOUVERIE: There is no Motion.

MR. SPEAKER: Does the hon. Member persist?

MR. CRAUFURD: I do, Sir.

MR. SPEAKER: The Galleries must be cleared.

Those parts of the House to which Strangers are admitted were accordingly cleared by the officers of the House.

On Strangers being again admitted the House was proceeding with the next Notice of Motion.

The following is believed to be an accurate representation of the opinions of the several Members who addressed the House on the Motion, so far as they can be ascertained:—

MR. W. FOWLER: Sir, in rising to move for leave to bring in the Bill mentioned in my Notice, I must observe how sincerely I regret the course taken by the hon. Member for Ayr. I think we had too much of secresy in this matter last year. This Act was passed without discussion, when most of us were out of town, and it is high time that the whole question was thoroughly discussed here. The origin of these Acts is easily explained. Some years since attention was drawn to the state of the camps, arising in the main from the enforced celibacy of so great a body of men. I do not deny the importance of the evil. My doubt is as to the character of the remedy. I will state on this question the views of a very distinguished surgeon, Mr. Holmes Coote. He says—

"The few earnest men, who, some years ago, assembled together to originate the movement which terminated in the passing of the Contagious Diseases Act of 1866, had little idea of the use which would be made of their labours and advice. As one of those who took an active part in all that then transpired, I loudly maintain that the idea of the compulsory examination of women, their enforced subjection to the police, their exposure to the penalties of registration and imprisonment, were views which would have been scouted by the few quiet gentlemen who met to devise means of giving shelter and protection to many unfortunate females, whose outcast and neglected state was bringing a scandal upon the nation."

I must next state the character of the Acts, for I am satisfied that many hon. Members are ignorant of their provisions. I will read an extract from *The Westminster Review* for April, 1870—

"In 1864 the English Parliament signalized itself for the first time as the protector of men from the baneful physical consequences of their own profligacy, by enacting what was called 'The Contagious Diseases Prevention Act, 1864.' This was a merely tentative measure, and was wholly superseded by 'The Contagious Diseases Act, 1866,' which is entitled 'An Act for the better prevention of contagious diseases at certain naval and military stations.' This Act was amended, and, as we shall see, its application was greatly extended, by virtue of 'An Act to amend the Contagious Diseases Act, 1866,' which received the Royal Assent, 11th August, 1869.

"By these Acts the Metropolitan police employed in each of the 18 named districts, have virtually the power within these districts, or within ten miles of the limits of them, as defined by the Act of 1869, of designating any woman they choose as a common prostitute, and of causing her to be submitted to medical examination as such. The words of Section 4 of the Act of 1869, are as follows:—'Where an information on oath is laid before a justice by a superintendent of police, charging to the effect that the informant has good cause to believe that a woman therein named is a common prostitute, and either is resident within the limits of any place to which this Act applies, or being resident within ten miles of those limits, or having no settled place of abode, has within 14 days' before the laying of the information, either been within those limits for the purpose of prostitution, or been outside of those limits for the purpose of prostitution in the company of men resident within those limits, the justice may, if he thinks fit, issue a notice thereof, addressed to such woman, which notice the superintendent of police shall cause to be served on her.' 'Moreover, any woman who, on attending for examination, or being examined by the visiting surgeon, is found by him to be in such a condition that he cannot properly examine her, shall, if such surgeon has reasonable grounds for believing she is affected with a contagious disease, be liable to be detained in a certified hospital, subject and according to the provisions of the Contagious Diseases Act, 1866 to 1869, until the visiting surgeon can properly examine her, so that she be not so detained for a period exceeding five days.'

"When a woman has been constrained to submit herself to a medical introspection by a 'visiting surgeon' or his assistant, and has been found free from disease, she is allowed to return home; but is ordered to present herself again for examination, 'from time to time as occasion requires,' and is given 'a notice in writing of the time and places' at which she is to attend for that purpose. If, notwithstanding that she is found free from disease, she 'temporarily absent herself in order to avoid submitting herself to such examination on any such occasion, then, and in every such case such woman' is held 'guilty of an offence against this Act, and on summary conviction' is 'liable to imprisonment, with or without hard labour, in the case of a first offence for any term not exceeding one month, and in cases of a second, or any subsequent offence, for any term not exceeding three months.' But if, on examination, 'the woman examined is found to be affected with a contagious disease,' she is at once 'liable to be detained in a certified hospital,' when she is, to all intents and purposes, a prisoner during the long period of nine months. The power of thus detaining her during any period not exceeding nine months, 'under one certificate,' is exercised by the visiting surgeon or his assistant. After receiving from him 'a certificate to the effect that she is affected with a contagious disease,' and 'naming the certified hospitals in which she is to be placed,' she may, 'if she thinks fit, proceed to the certified hospital named in the certificate, and place herself there for medical treatment; but if she neglects or refuses to do so, the superintendent of police, or a constable acting under his orders,' may be called upon to 'apprehend her, and convey her with all practicable speed to the hospital.' Moreover, just as prisoners are conveyed from one prison to another, she may be conveyed in the custody of the police, from one hospital to another. 'The inspector of certified hospitals may, if in any case it seems to him expedient, by order in writing, direct the transfer of any woman, detained in a certified hospital for medical treatment, from that certified hospital to another named in the order.'"

"By virtue of a clause in the Act of 1869, a woman who thus voluntarily subjects herself to medical treatment puts herself in exactly the same position as if she had been forcibly subjected to examination by order of a justice of the peace! 'Such submission,' it is ordained, 'shall for all the purposes of the Contagious Diseases Acts, 1866 to 1869, have the same effect as an order of the justice subjecting a woman to examination,' and all the provisions of the principal Act, respecting the attendance of the woman for examination, and her absenting herself to avoid examination, and her refusing or wilfully neglecting to submit herself for examination, and the force of the order subjecting her to examination after imprisonment for such absence, refusal, or neglect, shall apply and be construed accordingly."

Now, Sir, I consider that there are three main arguments against these Acts—the medical, the constitutional, and the moral. I will take them in their order. We are constantly told that the Acts have done much to reduce disease in the Army and Navy. Now, I maintain that this reduction began before the Acts were passed, and I can show that the reduction was much greater before the Acts passed than after; and, therefore, I defy my hon. Friends to show that the Acts have caused diminution of disease. I quote from the figures of Dr. Balfour. In the stations to which the Act has been applied, they are as follows:—Men affected in 6,000—in the year 1860, 2,433; in the year 1864, 1,729; in the year 1868, 1,628. So that the reduction in the four years before the first Act was 704, and in the four years afterwards 101. I maintain, therefore, that it is impossible to say that the Acts have caused the diminution. As to the year 1869, I have the authority of Dr. Balfour to say that there are no reliable statistics as to the increase or decrease of the really important disease. But I would point out to the House that these figures are, in one sense, deceptive. There is much disease not set forth in the Returns of the hospitals. Take the evidence of Inspector Smith (Commons Committee, 1869, p. 53.)—

"1007. Can you tell the Committee whether you have any grounds for believing that there are many diseased soldiers going about who have not given themselves up, and who are not under treatment in hospital for diseases of this class?—Yes; I have for a very considerable time been impressed with the belief that many men are at large who are diseased, and who ought to be in hospital, from seeing them so frequently in the chemists' shops at Aldershot. I have taken some trouble to see what they were doing and bringing out; and I thought I could see, by what they were taking out, what they were having; so I asked one of the chemists if he would be kind enough to take the number of the men whom he served with the particular medicine during one week; and he did so, and he very kindly gave it to me.

"1008. Have you that with you?—I have.

"1009. Will you read it, if you please?—On Monday, 14th June, 1869, there were 16; on Tuesday, 15th June, there were 13; on Wednesday, 16th June, there were 17; on Thursday, 17th June, there were 18; on Friday, 18th June, there were 11; on Saturday, 19th June, there were 23; the total being 98 in one week."

But, even if we admit that there is a decrease in the disease, we must not forget that, while for many years we despised or neglected these poor women, we have now provided them with accommodation in hospitals, and this is quite sufficient to account for an improvement in their condition, and a diminution of the disease. The existence of hospitals is one thing, the passing of such Acts as these is another. But I should observe that this diminution in the intensity of this disease would seem to have been going on elsewhere. I would refer to the evidence of Mr. Acton. At page 89, he says—

"Since the last edition of this book appeared, venereal diseases must have become much modified. Mr. Callender, in charge of Mr. Paget's wards, has kindly furnished me with the following observations:—He says—'That at the present day the system of competition (to which I alluded at page 138 of my former edition) for admission to the female venereal ward has ceased. It oftentimes happens that there are not enough applicants for the empty beds. The cases are comparatively slight: a warm bath, rest in bed, and a little lotion, causes a complaint which looked very formidable on entering the hospital, to become a relatively mild affection.'"

Take, too, the evidence of Mr. Skey, given to the House of Lords in 1868—

> "617. The disease is by no means so common or so universal, I may say, as is represented in that article, in my opinion; and I have had an opportunity of communicating with several leading members at the College of Surgeons, and they are all of the same opinion that the evil is not so large as is represented by the Association (for extending the Acts)."
>
> "628. I think the reports are too highly drawn. I think, if you took the impression of any individual in reading these reports, you would infer an extent of syphilis in society far beyond the truth—very decidedly beyond the truth: it is not so common, and it is not so severe."

Let us take the evidence of another witness, Surgeon Wyatt of the Coldstreams. He says—

> "700. You do not refer that (the milder character of the disease) to the operation of the Act?—No: I think certainly not in London. The class of syphilitic diseases which we see are of a very mild character, and, in fact, none of the ravages which used formerly to be committed on the appearance and aspect of the men are now to be seen.
>
> "701. And you do not think that that is rightly to be attributed to the operation of the Act?—I think not: I think that the whole type has changed, and that hygienic considerations are better known by the people who have intercourse with those persons, and by the women themselves. It is an undoubted fact that in this country and in France the character of the disease is much diminished in intensity."
>
> "708. I understand you to say that, in your opinion, the venereal disease has generally, independent of the Act, become more mitigated, and of a milder type?—Yes: that is the experience of all surgeons, both civil and military."

Again, it is a remarkable fact, that, according to Mr. Acton, the health of prostitutes is really far better than that of other women of their own rank. He remarks—

> "All that I have said on the chances of contracting disease to which prostitutes are exposed, confirms the truth of the position taken by surgeons and others who have had their charge——namely, that, notwithstanding all their excesses and exposure to so many causes of disease, their health resists all attacks better than that of the ordinary run of women, who have children, and lead ordinary lives. They have (as some one has remarked) iron bodies, which enable them with impunity to meet trials such as would prove fatal to others.
>
> "If we compare the prostitute at 35 with her sister, who, perhaps, is the married mother of a family, or has been a toiling slave for years in the over-heated laboratories of fashion, we shall seldom find that the constitutional ravages, often thought to be necessary consequences of prostitution, exceed those attributed to the cares of a family, and the heartweary struggle of virtuous labour."

Now, if this be so, it is really hard to suppose that the disease can be so alarming as some would have us believe. But this is not all. However bad the disease may be, it is perfectly clear that these examinations are no safeguard against it. These medical tests are entirely imperfect and unsatisfactory. A woman may have the disease, and the doctor may be entirely unable to prove it or disprove it. I have, on this point, the evidence of Mr. Simon and Mr. Holmes Coote, and their view is entirely confirmed by that of Dr. Taylor and by the French statistics, which are truly astonishing. Dr. Fournier says—

> "That out of 873 cases where the disease was traced, in 625 the disease had been taken from public prostitutes, registered and examined."

Now, I say that, this being so, the examination is utterly worthless—as a certain test of disease or no disease. What, then, becomes of the system on which these Acts are founded? But further, I assert that the title of the Act is a "misnomer." You call them "Contagious" Diseases Acts, and there are two parties to the contagion, one of whom only you affect by your law. It is notorious that the men spread the disease as much or more than the women, and you have given up the examination of the men, and put the whole burden on the women. And why do you do this? Because the men, and the officers, and the surgeons, are alike disgusted with the examination. Now, I ask, if it would be disgusting for a man to be examined by a man, is it not far worse for a woman to be so examined by a man? It is needless to quote evidence to show to how serious an extent the disease is spread by the men. Dr. Leonard says—"Unless it (inspection) is done, I do not believe we can expect to get rid of disease at any station." Dr. Barr says—

> "589. A large portion of those women present themselves voluntarily for examination; but some of them, I apprehend, are brought up by the police?—Some of them are brought up by the police."
>
> "610. I gather from the answer that you do not think that this Act can be completely successful, if the examinations are confined entirely to females?—I certainly should strongly advise such an inspection of men; no doubt, that is absolutely required, at any rate, for a considerable time."
>
> "617. Would you, therefore, suggest that the system of examining soldiers periodically in the Army be resumed?—If I may be allowed, I will read a short paragraph upon that subject, from the Report—'The first and most obvious measure to be adopted is the practical application of periodical examination to the whole body of troops,

resident in the district and at other stations. This should be conducted strictly and carefully, without exception, and be of sufficiently frequent occurrence.' I am of opinion that every soldier should, for some time to come, be examined once a week."

The thing requires no further proof, and if proof is needed, the Blue Books are full of it. I will only add, on this point, that there can hardly be a doubt that the superior state of health of the French and Belgian Armies is largely due to the constant examination of the men. I now go on to assert that the forced examination of the women tends directly to increase clandestine prostitution, and to increase the amount and the intensity of the disease. This may be said to be admitted by those who are conversant with the subject; but I will mention one or two authorities. Dr. Chapman says—

"It seems to us that anyone studying those regulations will be prepared to expect that the women who are subjected to them will resist and evade them by every means in their power. Whether well or ill, they are compelled to submit themselves at the ever recurring periods prescribed to an examination, which, in a large proportion of cases, is at once so distressing and repulsive, that, as stated by the great advocate of the system, Duchâtelet himself, many women only approached the dispensary with a kind of horror!"

Again, Dr. Simon says—

"1300. There would be, I think, no possibility of dealing with clandestine prostitution?—I believe, so far as I can judge from the Paris information on this subject, that what they call clandestine prostitution breaks down their system. They catch a number of specially flagrant, unregistered prostitutes, and bring them before the police; but the quantity which evade is enough to defeat them."

But I have a more powerful witness. I will read a few words recently written by M. Lecour, the head of the Paris police. After referring to the statistics of the matter, he says—

"All these results prove that prostitution is increasing, and that it is now more dangerous than ever to the public health. Has the action of the police been relaxed? No; on the contrary, it has constantly more powerfully organized its means of repression, by surveillance, and sanitary control. It has never been more active than now. This is proved by the fact that the number of daily arrests of unsubmitted girls, *filles insoumises*, is on the increase; while the sanitary state of the registered women is satisfactory. The evil is a moral and social one, and cannot be controlled by the police, who can neither restrain nor destroy it. The number of permitted houses (brothels) is diminishing. This sounds well; but now let us see. The fact is this—women leave the permitted houses to swell the list of solitary prostitutes, *filles isolées*, whom it is much more difficult to bring under police control. These *filles isolées*, with difficulty brought under control, are again from year to year being diminished by going over to, and augmenting the ranks of the *filles insoumises*, clandestine prostitutes. The numbers of these are continually increasing, and are a great danger to public health; and the difficulties encountered by the police are insurmountable. I have shown you what we have done by science. I have shown that the evil is increased and increasing. I have indicated the cause. I have pourtrayed the work of the police, and the limits of their mission. The evil must be overcome, not by legislative, but by moral means."

Nor is this all. Lefort, another great French authority, says that 40,000 more women ought to be put on the register, and that the examinations ought to be made twice a week, or even, according to one eminent doctor, every other day. The French system has utterly failed, after long experience and full trial; and we are asked to begin the same wretched system by men who, in their evidence before the House of Lords, confessed they knew hardly anything of the working of the plans adopted on the Continent. I ask with confidence, why should we make this beginning, and why should we not rather take warning by the failure of others? Depend on it we shall have to go back and not forward in this matter. I cannot conceive why we should expect to succeed where others have failed so signally. But, remember, if you are to do any general good, you must go forward. Much is said about the "innocent women and children;" but you are doing very little for them while you confine your operations to these garrison towns. These poor miserable women have very few children as the fruit of their wretched lives. I should like to see the man who would propose to extend these Acts to the general population, for the sake of the women and children. And now I must say a word about the cruelty of these examinations. The doctors say there is no pain. For my part, I would rather take the evidence of the patient than the doctor on that point. But I have a doctor's evidence which I will read to the House. This very day I have received a letter from Mr. Baxter Langley, which I will read to the House—

"50, Lincoln's Inn Fields, W.C.
"23rd May, 1870.

"William Fowler, Esq., M.P.

"Dear Sir,—As a surgeon who, when in practice, had an opportunity of seeing a great deal of obstetric, and what is called 'special' practice, I desire to convey to you my impressions as to the cruelty and impropriety of some of the clauses of the Contagious Diseases Acts, more especially those relating to the use of the *speculum vaginæ.*

"In cases of health or disease great discretion is required by the surgeon in the use of such an instrument, or great pain, and even permanent injury may be inflicted on the person examined. And from what I know of the rapid manner in which the examinations are conducted by the examining surgeons under the Contagious Diseases Act, I should say that such care and discretion could not be exercised, and is not attempted, for want of time. (I have heard of one a minute being examined.)

"Moreover, I am prepared to declare from experience that, in a very large number of cases, it is quite impossible to decide, after such painful examination as may be sometimes necessary, whether the woman is suffering from contagious disease or not; and it is a manifest injustice to compulsorily demand or take *doubtful* evidence when the examination of the men would give positive and certain proof of the existence of disease, and this without any painful examination of any kind.

"In cases of women who have not borne children, the examination is by the same instrument as that used in the cases of mothers, and there is great cruelty in the application of any uniform instrument.

"It is said that there is no more degradation or pain inflicted on a prostitute when examined than upon a modest woman who is subjected to a similar process in consequence of uterine disease. Women, under any circumstances, shrink from the ordeal, which is conducted in the most private manner, in the presence of a mother or near female relative; and the fact is most studiously concealed from all the patient's friends and acquaintances, and even from her husband.

"The case is wholly different with an 'unfortunate.' She is brought publicly to the place, and the constables know for what purpose. The days of examination are publicly known—the women are herded together for a purpose known to each other (good, bad, and indifferent), and when they leave it is with a consciousness that all the officials know what has been done. This is calculated to blunt and destroy all sense of modesty, and notoriously does so. Moreover, the women are conscious in the one case of the necessity of an examination for their own benefit, and that it will be conducted with the most delicate care by the confidential adviser of the family. In the other case the women are conscious that they are subjected to a revolting introspection for the benefit and advantage of others who do not hesitate to pollute them when healthy; and they undergo this at the hands of a public official in a public place.

"Under all these circumstances, I declare that the promiscuous examination of women with the *speculum vaginæ* is cruel, because it is often very painful, and because it cannot be properly conducted without time, caution, and care; that it is degrading because it is publicly known, and in that sense it is demoralizing; and lastly, the evidence it affords is uncertain in a very large number of cases.—I am, dear Sir, yours faithfully,

"J. Baxter Langley, M.R.C.S., &c."

Mr. W. Fowler

The examination of the men is easy and painless, and yet you put the whole burden on the women, and can you expect that they will take it patiently? I will only repeat, on this part of my argument, that you do not know what you might have effected by other means, and that you ought not to have adopted such means as those I have described till other plans had had a full and fair trial. You have gone to work ignorantly and hastily, and we see the result. But I must just add that the examination of women tends to increase disease by causing men to frequent them more often than they would otherwise do; and it is obvious that this must be attended with danger if the examination be as I have shown an uncertain test of health. Now, that men are tempted in this way by the hope of immunity, I will prove from the evidence of Mr. Acton himself. He says (119, N.)—

"I was informed that on the day after their inspection the houses are specially frequented by the public, in the belief that there is then less chance of contracting disease. It is therefore reasonable to suppose that, under the French system, many yield to indulgence whom the fear of the natural penalty would otherwise deter."

Sir, I must now turn to the second head of my argument. I object to these Acts on constitutional grounds. What is the general effect of the Acts? It is to subject poor women to arrest on mere suspicion. The magistrate need not take corroborative evidence as to the character of the woman. He may make the order on the oath of the policeman. An hon. Member tried to have a clause introduced compelling the magistrate to demand other evidence, but this was refused by this House. The result is, that the poor woman is handed over to the tender mercies of the police, absolutely. Last week I found the following remarks in *The Daily Telegraph*, on the present bearing of the police:—

"He would be a foolish person indeed who would enter into conflict with the police, unless by accident—we should rather write by miracle—he had the most overwhelming proofs upon his side. Independently of direct evidence of the kind named above, we assert, without fear of contradiction, that there is a universal complaint amongst Londoners as to the tyrannous and masterful bearing of the police on our streets."

These are the words of a man writing about the police; but I am speaking of poor helpless women, utterly unable to protect themselves, and I say that this Act has put them entirely in the power of the police, without any appeal whatever. To show that I do not exaggerate, I will call a witness who is a strong supporter of the Acts. Mr. Parsons, in his evidence last year, says, in reply to questions put to him—

"399. Supposing that a woman is brought up by the police, who is a modest woman, surely she would decline to sign the paper, would she not?—No; for this reason: the police, believing the correctness of their own impressions, say—'Very well, if you do not sign that, you go to the bench;' and then the woman says, in order to avoid that—'I do not mind going into a private room and speaking to Mr. Parsons;' and she will sign the voluntary submission.

"400. Therefore they sign a voluntary submission, under the fear of being taken before the magistrate?—Unquestionably."

Now, mark the ingenuity of this machinery. The more innocent the woman is the more determined she is not to go before the magistrate, lest she should lose her character for ever; and if she signs the submission, she is liable to be called up at the will of the surgeon for a whole 12 months, to go through this disgusting examination as a common prostitute. I do not care whether any cases have or have not occurred where women have been oppressed by this law; I say that it is an utterly unjust and scandalous law, and unworthy of the British Parliament. Observe, that no proof of prostitution is required, and further, that no definition of the word "prostitute" is given in the Act. Mr. Parsons says, it is "a question of mannerism." I heard the other day of two English ladies being locked up in Paris on suspicion, and I suppose that with them, too, it was a "question of mannerism." Mr. Parsons tells us more. He is asked—

"375. Must she be making a livelihood by it?—Yes, she ought to be; but if you confine yourself to that definition, all I can tell you is, that your Act will never succeed. The amount of clandestine prostitution is very large. Unless the Act includes every class of that sort, you cannot possibly hope to extirpate disease."

I should like to read to the House a few words of Lord Hardwicke as to this arrest on suspicion—

"Facts only are admitted as proofs by our laws, and by these facts a judge and jury are to form their opinion of the character of the accused. A great security for our liberties is this—that no subject of the realm can be imprisoned unless some felonious and high crime be sworn against him, or her. This, with respect to private persons, is the very foundation stone of all our liberties; and if we remove it, if we but knock off a corner, we may probably overturn the whole fabric."

But it is said that there have been no cases of hardship. This I deny. Take the case mentioned by Mr. Parsons himself—

"345. How do you obtain the information of a woman not being guilty of prostitution being brought before you as a public prostitute?—I knew one instance of my own knowledge, by my happening to know the woman as a respectable married woman. She had been guilty of a little indiscretion; she had, I believe, even accosted one of the police officers themselves, not for the purpose of prostitution, as he admitted, but she was, to use his own term, 'larking about the streets;' and he concluded that she was a prostitute."

"346. What injury occurred in consequence of that case being brought up to you?—No injury, except to her feelings, at having been brought there."

["Oh, oh!"] The hon. Member says "Oh, oh!" but I say that, even if the woman had been indiscreet, it would have been a terrible punishment to subject her to this disgusting examination for twelve months. But the evidence does not end here. I will read one or two other cases to show what is going on. Both are authenticated by the Rev. W. Heritage of Canterbury. I give them as they are given to me—

"Mrs. Baker, a respectable married woman, had one evening gone to fetch her husband home from a public house, and met the detective. He asked her name, and ordered her to go to Hawkes Lane for examination. Her husband enquired at the police station to know if anything could be done to the officer for assaulting and annoying his wife, and was informed he could take out a summons for him, stating the case before a magistrate; but if the inspector had ordered her up, he would try to prove she was a prostitute. The whole thing was so disgusting to them, and the exposure she could not endure, so they immediately left the town."

The right hon. Gentleman (Mr. Bruce) shakes his head. I am not responsible for the statement. I give my authority, and he can make his own investigations. I will read the second case—

"Mrs. Dodds, the wife of a pig-dealer, residing at 21, Best Lane, says that she has four grown-up daughters residing at home with her, and that they are all respectable girls. About three months ago the two officers came to her house and insisted on seeing her daughters. They said they were sent there by girls in the town. They said her two eldest daughters must go to Hawkes Lane to be examined. She said they should not go, and they have not done so, and no proceedings have been taken to make them. One of her daughters went out one evening after this, and the next day one of the officers came again to the house, and told her of every place she had been to, showing that she had been followed all the time she was out. He also demanded the names of two acquaintances (men) she had spoken to in the High Street, and again ordered her to go to Hawkes Lane for examination. She again refused to go. Some of the neighbours, however, seem to have been aware of the visit of the officers to Mrs. Dodds, and she and her daughters have since this been frequently called after in the streets, being asked if they had been to '——— Fair,' if they had 'just come back from Shorncliffe.' These expressions refer to Hawkes Lane, where the examinations are carried on, and to the hospital at Shorncliffe, where most of the women found to be suffering from disease are sent to. In consequence of this her daughters are afraid to go out, and one of them has not been out for two months. In one instance the annoyance to Mrs. Dodds was so great that she was obliged to appeal to the police for protection."

There are many other cases where the same sort of injustice is alleged to have taken place. I repeat that if there were not one, my objection to the law would be just the same. It is an oppressive law, and therefore a bad law. And now, Sir, I will ask the House to observe how the evidence is got up in these cases. The police must have evidence. Mr. Mallallieu tells us where they get it. (Lords, 1868. Q. 147.)—

"Our sources of information are these—we have the military and naval hospitals, and our men visit them, and ascertain from the patients themselves from whom they contracted the disease. . . . We get information from the men themselves, and frequently from private sources. Gentlemen, for instance, or persons of a superior class, who have been so unfortunate as to become tainted, will denounce the women in writing, and send their address, and the police look out for them. . . . The brothel-keepers, who are subject to penal consequences if they harbour diseased women, are also very valuable sources of information to us. It is becoming well known that a woman in a state of disease is not to be tolerated even by the person who keeps the house, and they give information to the police."

So we see the police are put *en rapport* with the keepers of houses which ought to be suppressed by them. These men are the agents of the police. They give "valuable information." And what shall we say of the generosity of the man in a higher rank who reports his partner in sin to the police? What an exhibition of chivalrous feeling! I must here refer to one other part of the Act. By a section introduced last year the surgeon can detain any woman who is brought to him and cannot be examined owing to natural causes for five days. So the poor creature is in fact imprisoned, although it is quite impossible for anyone to say that she is suffering in any way. Such a clause involves a most gross violation of liberty. But this is not all. I say that the system I have described must lead to a most hateful espionage which is most obnoxious to our feelings as Englishmen. No woman will be able to walk out alone under such police regulations. Such is the case now in Paris. ["Oh! oh!"] The hon. Member dissents, but I will read what Mdlle. Daubié says on this matter—

"We have been enabled to see what a mistake it is to pretend that our Government toleration is necessary for the protection of modest women. If that were the case, we may be sure they would reject this annihilation of their sisters for their benefit; but it is proved, on the contrary, that the insecurity of every woman results from the prerogatives granted to vice in France. Are we not aware that nations, which have not our monstrous measures of preservation, permit the girl to go out, to travel, and live by herself, for the purpose of either the secondary or the higher course of instruction; whilst in Paris more than 100,000 regulars and soldiers of the National Guard, and a numerous body of police, fail to inspire the young woman of the middle class with sufficient confidence to allow her to venture a single step without a protector, or the lower-class young woman with a security sufficient to keep her from being made a merchantable article."

I do not want to see any such state of things here, and I would observe that its existence would be especially hard on the wives and daughters of working men. They are often compelled to be out late, and are they to be dogged and watched by police and to be suspected? Moreover, I say that such a system causes the whole atmosphere to be tainted. A mother has very early to warn her daughters about things respecting which the longer she is ignorant, the better,—and this is no fancy of mine, I will call in Mr. Parsons again as witness. He says—

"It must be borne in mind that the practical execution of the Act is confined to a class of men who probably are not the best versed in using judgment as to their selection: they see a woman out late of an evening, and they are very liable to jump at the conclusion that she is a prostitute."

The policeman "jumps at the conclusion." That is the very thing I object to. I will only add on this head that I understand the French system is much more careful than ours in protecting women from false accusations. A policeman who reports falsely is severely punished; whereas, here, a poor woman who is so injured has to bring an action against the policeman who is backed by the Government. She gets no costs if she succeeds, unless the Judge certifies, but pays them if she fails, under this merciful Act. What a mockery of a remedy for a poor woman! And now I come to the third head—the moral argument. I assert, Sir, that these Acts are based on the theory that prostitution is a "necessity." It is impossible to understand them on any other theory. I deny that this assumption is true. With my whole soul I deny it. But it is said it is an evil that has always existed and we must recognize it. Well, stealing is an evil which has always existed; but we do not recognize it with a view to regulate it. We seek to get rid of it. We punish it. The law tries to put it down. I say, Sir, that if once you assume an evil to be necessary you lose your power over it. We are here dealing with what is a sin according to our law, and according to the law of God; and I agree with John Milton, that when we fall to regulating a sin, we make a great mistake. I will read the words of this great man—

> "As for sin, the causes of it cannot consist with rule; and if the law fall to regulate sin and not to take it utterly away, it necessarily confirms and establishes sin. To make a regularity of sin by law, either the law must straiten sin into no sin, or sin must crook the law into no law."—(Works, iv. 96.)

I think, Sir, that so far from this indulgence being necessary, it is simply degrading, and that these Acts are based on a false view of the sexual relation between man and woman. When I consider, Sir, that the whole family life of our countrymen is based upon this relation, and when I think that thus we owe to it all that is noblest, and holiest, and purest in our lives; and when I consider how, in this ghastly system, this relation is degraded into a source of mere animal indulgence, I cannot but deplore that any Act of Parliament should sanction that which is so utterly repugnant to my best feelings and my firmest convictions. I have asserted that the direct effect of these Acts must be to increase the license of profligate men and women, and I have proved it by the evidence of a great supporter of these Acts. It is certain, in my opinion, that men will argue—if the State recognizes and regulates our proceedings in these matters, there cannot be any inherent evil in them. I am told there is a difference between regulation and license, but, surely, such a position is wholly illogical. I find in the evidence laid before the House that, under this system of regulation, the doctors instruct the women how to make their vocation more easy and less harmful by all sorts of medical appliances, and to prove my position on this head, I will call a professional witness. Dr. Balfour, in the Committee of the House of Commons last year, was asked—

> "With regard to putting lavatories in these places, would not that be legalizing or supposed to be legalizing prostitution?" "I am afraid" says he "that you have legalized it under the present Act."

And I would further observe that in France the *carte* carried by the women is no more a formal licence than the summons which is used by women under the present Acts. The French *carte* is merely a record of the times of examination, with certain regulations as to what a woman is not to do on the back; and I hold in my hand a summons under this Act given to a woman, and which has been used by her as a means of soliciting the patronage of men. In truth, Sir, the statute says—"Come, I will cure you; then you may go on with your trade again: as long as you are not diseased, it does not matter what you do." For the first time in our history prostitution has become a "legalized institution," and a woman is made a chattel for the use of men. We hear a great deal about the "innocent women and children" who are injured by this disease and by this sin. But if that argument means anything, it means this—that the Chancellor of the Exchequer is to find money to provide clean women for married men. And let me add, that we hear very little anxiety expressed on account of the victims—the innocent women and children who are the victims—of the drunkenness of husbands and fathers, and we hear very little said respecting the children of criminals. They are left to take care of themselves. In my opinion, Sir, the title of these Acts ought to have been different. The Act ought to have been called—"An Act to provide clean women for profligate soldiers," and then it would never have passed this House. But, Sir, in reply to all that I have said, it is sometimes asserted that a great moral improvement has obtained among these women by reason of their entrance into hospitals, and the care that is taken of them. Now the fact is, that what good has been done has been done by the fact that hospitals have been established where care has been taken of these poor creatures, and not by the peculiar provisions of the Acts to which I have objected. Moreover, it is beyond dispute that hundreds are yearly turned away by the Rescue Society for want of funds; and I feel confident that the money spent by the Government, if spent by others, would have reformed a far larger number than have been reformed by the agency of the Government. I find the following statistics as to the number said to be reformed between the 1st of April, 1868, and the 1st of April, 1869. The total number taken into the hospitals during that period was 4,864, of whom there had entered homes 177, and returned to their friends 214, making a total of 391. Now, in my opinion, at least double that number ought to have been reclaimed, and not merely "returned to their friends," had the agency of these hospitals been anything like as successful as that of the ordinary societies. Much more might be said on this point, but I must draw to a conclusion. One other argument I will refer to, and I have done. In answer to everything that is alleged, it is said that these Acts are necessary for the Army and Navy. I must say that I think this a dangerous argument. If this argument be pressed, people will be apt to say—that, if the existence of the Army and Navy involves so great a breach of the moral law, it is high time to consider whether the system of the Army and Navy as at present established be not unsound and unwholesome. But I will not, on this point, use my own words. I will quote to you from a speech delivered only last week, at a great meeting at Birmingham, by a clergyman, who made use of the following language. He said:—

> "He, who had been in the 73rd Regiment for two years, refused emphatically to say that it was a noble Army. He knew better. As long as they would keep so many thousands of poor, miserable, ignorant, homeless, unmarried soldiers and sailors, they would have this evil with them. They left these poor young men, full of health and vigour, in comparative idleness, shifted them about continually, and refused to allow them to marry, while at the same time they supplied them with drinking shops in every barrack. Was there any wonder that they were a curse to society, that they were the cause of prostitution and disease. The real source of the evil, then, was the standing forces of this and other countries. Many years ago, in Birmingham, they had opposed the idea of making it a garrison town, and so they had kept it comparatively pure and healthy; but other places in the land were suffering, and it was as well they should know the real cause. In the matter of standing armies, they might well take a lesson from across the Atlantic. and imitate America. There they had no standing army; and yet they had recently shown—especially the North—that they were capable of defending their wives, homes, and hearths."

At length, Sir, I have come to the end of this long and intricate discussion. I assert, as the result of my argument, that these Acts offend against common sense, against justice, and against morals; and, therefore, in the name of common sense, and of justice, and of morals, I ask this House to tear from the statute book this disgusting page, and I ask you to obey, as an Assembly, that command which is addressed to each of us, as individuals, not to make provision for the flesh to fulfil the lusts thereof.

Dr. LYON PLAYFAIR said: The hon. Member for Cambridge (Mr. Fowler) makes so many grounds of impeachment against these Acts that it is difficult to know with which we should begin. None, however, appear to me more unwarrantable than the allegation that Parliament passed them hastily and inconsiderately. In 1864 an experimental Act was passed, and, in the following year, an excellently constituted scientific Commission was appointed by the Government to investigate all questions relating to these contagious diseases. In 1866 the experimental Act was made more comprehensive. In 1868 the House of Lords appointed a Select Committee to inquire into the working of that Act, and in the following year this House appointed another Select Committee for the same purpose. The Scientific Commission of 1865, having occupied a long time in its investigations, now published its elaborate Report. Fortified by three inquiries and Reports, Parliament passed an amending Act last Session. Few subjects have received such full and exhaustive inquiry before being legislated upon. The complaint then limits itself to the fact that, though the subject was well considered, it was not fully debated. But there are subjects which Select

Committees can consider more calmly and thoroughly than a large Assembly, and, doubtless, the House thought that this question belonged to that class. I agree in that view, though I think it is right, in the present state of public opinion, that we should now discuss it, and I hope to do my part in a way that will not prove offensive to any hon. Member. The very existence of the Acts carries us beyond the stage of proving their original necessity. Previous to 1864, the diseases, to which they relate, prevailed to such an extent in the Army, that Dr. Parkes says they prove "equal to the loss of two regiments constantly." As regards the Navy, I think it is the Scientific Commission which states that, even on our home service, the loss is "equal to the complement of an iron-clad." No doubt much of the opposition, which is now manifested, is due to the fear that the Acts may be extended to the civil population. This would be a serious question; but it is not before us. What the hon. Member for Cambridge asks us to do is to deprive our soldiers and sailors of certain sanitary safeguards which these Acts afford to them. In order to keep our Army unencumbered, State policy enforces celibacy on about 90 per cent of the soldiers. The Navy, by the nature of its occupation, acts in a like way. Now, these contagious diseases are certainly largely promoted by celibacy, and the State is bound to preserve its combatants from the consequences of an abnormal position. But we are told that the Acts passed for this purpose do not accomplish their end, and if this be true, I allow that they should be repealed. If the assertion simply means that they have not stamped out disease, as the cattle plague was stamped out, I admit that they have not done so, nor were they ever expected to act in this way. An epizootic can readily be dealt with; for it is easy to prevent the movement of cattle, and even to kill infected animals. But when human beings are the subject of disease, the case is very different, and it is rare that you can stamp it out, though you may largely mitigate it. Though the Acts have only been three years in force, yet the results obtained in this limited period are conclusive as to their efficacy. Before describing these, it is necessary that I should remind the House that two main diseases are included in the general term. The one is a minor form, and has existed from early periods; for it is frequently referred to by classical authors. It inconveniences the individual affected, but only rarely injures his constitution; it is local in its character, and is not transmissible to his offspring. Though the Acts have mitigated the severity and duration of this minor disease, they have had little influence on its frequency. The second, or major disease, is that which we chiefly aim to subdue. It is comparatively new, for Europe did not know it till the end of the 15th century. Of all diseases it is one of the most loathsome and terrible; it often saps the constitution of its victim, and is readily transmissible by descent to his innocent offspring. Upon this major form, the Acts have had a most beneficial effect. The statistics, which I shall quote in proof, have been furnished to me by Dr. Balfour, the eminent statistician at the head of the Statistical Department of the Army. It is well known that he was not favourable to the introduction of these Acts, and that at first he doubted their success; but now I am authorized by him to state that he can no longer resist the favourable evidence which the Returns afford of their efficiency. In 1869, there were seven protected stations and 15 unprotected stations of our home Army. The first Act of 1864 had thrown a partial protection over the former, and this is seen in the period of three years ending 1866, for the ratio of disease in the protected towns was, in the case of the major disease in its primary form, 93 cases per 1,000 men, while in the unprotected places, it was 107. But it was only in 1866 that an effective Act was passed, and it did not come into operation till towards the close of the year. In the next period of three years, ending 31st December, 1869, we find a large reduction of the major disease; for the protected stations had now a ratio of 71 cases per 1,000 men; while the unprotected stations increased to 111. This fact renders all doubt impossible. During the last three years there is no diminution at all, but some increase in the unprotected stations; while at all the protected stations there is a steady diminution until, in 1869, the ratio was only 58 to the 1,000, or nearly half the number found where the Acts are not in force. The mean reduction during the three years has been quite steady, in one direction, in the protected districts. In the first year, the ratio was 86; in the second year, 70; in the third year, 58. You will observe that this mode of comparison between protected and unprotected districts eliminates all chances of error as to a natural decrease in the disease down to 1866, which my opponents make much of, but which must tell equally upon both; nor was this decrease maintained up to 1869, for in 9 out of the 15 unprotected stations the ratio was higher in the latter year thrn in the preceding years. I have confined myself to Dr. Balfour's statistics of the major disease in its primary form, because I believe that they are strictly and scientifically accurate. Perhaps you may think that I ought to state the proportions of all enthetic diseases. For this purpose I must use the Returns of the police, which are no doubt approximatively correct, though they can scarcely claim the rigid accuracy of those to which I have referred. By these Returns, owing to an increase in the number of cases of the minor disease, Portsmouth has neither gained nor lost by the Acts, and it may, therefore, be classed as a case of failure, though as regards the major disease this is not true. The Acts have been applied to the various stations at different dates, but if we take the mean ratio in the year preceding the application it was 22·8, and in the last quarter it was only 11·27, or less than half. This refers to all enthetic diseases. If we take two special cases, by way of illustration, the difference between a protected and unprotected station will be better understood. Last year a battalion of Guards left London for Windsor on the 1st of March. Windsor has only recently been brought under the Acts, but formerly was notorious for its unhealthiness. During their stay of four months, thirty cases of sickness occurred. The battalion then returned to London, which is unprotected, and in the corresponding period of four months there were 108 cases, or three and a-half times more. Again, the 5th Fusiliers were at Aldershot, a protected station, for the first eight months of last year, and their average daily roll from these diseases was 3⅓; they then went to the unprotected stations of Glasgow and Ayr, and in the last four months of the year the daily roll was 7⅓, or more than double. I have hitherto treated only of the quantity of the disease, but the quality of it has been much changed in the protected stations. By this I mean that the severity and duration, both of the major and minor diseases, have been much lessened. Thus, in the first year of the Act, at Devonport, the duration of treatment of the major disease was 85½ days; in the second year, 66½ days; in the third year, 53 days; and in the last quarter of 1869, 37 days. So that, if the experience of Devonport is general, while the quantity of disease has been reduced by a little less than a-half, the actual duration of what remains has been also lessened by more than a-half. In the Metropolitan Female Lock Hospital there are patients sent by Government from military and naval stations, and ordinary patients from London. It is pitiable to visit this hospital, and see the ravages of disease among the latter, as compared with the former. Mr. J. R. Lane, the surgeon to the hospital, has kindly given me the periods for cure on an average of three years. As regards the major disease, a Government patient is cured in 45 days, while an ordinary patient requires 56 days; and, as regards the minor disease, a Government patient is cured in 25 days, while an ordinary patient requires 39 days. Surely I have said enough to prove how successful these Acts have been. Since 1846, when I acted as a Royal Commissioner on Public Health, sanitary laws have been to me an incessant object of interest; but, with the exception of the compulsory Vaccination Acts, I know no such achievements of legislation as have been performed by the Acts under discussion. Before leaving this part of the subject, I ought to refer to the effects of the Acts in diminishing disease among fallen women. For this object the statistics available to me are limited; but I possess them for several stations. At Chatham, for instance, when the Act was first applied, 70 per cent were found to be diseased; last quarter only 6 per cent were in this condition. This is, no doubt, the most marked case; but we are assured that the amelioration at every station has been great. Perhaps we may get a fairer view if we compare the state of common women at Winchester, in which the Act came into force last January, with that of Devonport, where it has been in operation since 1866. In Winchester, in the two first months of the year, 43 per cent of the unfortunates were found to be diseased; while, in the corresponding months, at Devonport, only 14 per cent were in that condition. In our foreign stations similar Acts are in operation. At Malta traders in vice have been inspected since the time of the Knights, though by custom merely, for a law enforcing it was passed only in 1859. That law made the custom efficient, and its results are stated in Mr. Inglott's evidence. He says—

> "The operation of the law has had the effect of checking public prostitution to a great extent, besides of almost annihilating the disease."

In almost like terms Sir Henry Storks describes its effects in the islands of Corfu, Zante, and Cephalonia, before our connection with them was severed. If we go beyond the experience of our own Army, and take that of foreign nations, which pursue a like system, the evidence is conclusive. In England our troops lose seven days of service; while those of France lose only four days, and those of Belgium only three days. Hitherto I have confined myself to answering the allegations that the Acts have failed in their sanitary aspects. But this is a small part of the issue raised. The main contention is, that the Acts are opposed to religion, justice, morality, and public liberty. The religious objection belongs more to a past than to the present age, but must still be combated, because even now a few men of knowledge are influenced by it. Thus a distinguished surgeon, a Fellow and Member of Council of the Royal College of Surgeons, announces his belief that this disease is not an evil but a blessing, and "that it was inflicted by the Almighty to act as a restraint upon the indulgence of evil passions;" and the right hon. Member for Oxfordshire (Mr. Henley) whose honest and outspoken opinions are always valued by this House, seems to share these sentiments. I do not pause to remind him that it is strange thus to characterize a modern disease, only three and a-half centuries old, as the special punishment for profligacy; because it would follow that ancient profligacy, which was certainly not less, escaped the infliction. But I prefer to remind the House that similar opinions in regard to disease have constantly prevailed from remote antiquity, and have as constantly been refuted by the progress of knowledge. It is a very old notion that diseases should not be combated because they are Divine punishments for sins, relevant or irrelevant. Such views have become more rare in modern times, because we are constantly reminded, in the progress of science, that there is far more of mercy than of wrath in Divine arrangements. The angel who stood in the path of the prophet had a sword; but still we are told it was an angel of mercy. Yet, whenever we reach a stage when a disease is proved to be preventible, it is found that a few religious enthusiasts cling to the wrath and spurn the mercy. We need not go further back than Jenner's great discovery for a proof of this. Vaccination gave us a protection against a disease only less abhorrent and repulsive than that under consideration. But its introduction was fiercely opposed, because it was alleged to be repugnant to religion, morality, law, and humanity. Large associations were formed to resist its extension; the pulpits resounded with attacks on the impious and presumptuous man who dared to interfere with a visitation from God. The introduction of a disease from a cow into the body of a man was thought to give him bovine and beastly propensities. Excited by this clamour, the people rose in riots and pelted the vaccinators with stones—just as the Scotch peasantry pelted their first benefactor who introduced potatoes with his own tubers, as being an irreligious crop, for they were nowhere mentioned in the Bible. We have lived down all this clamour, and 80,000 lives of our present population are annually saved by Jenner's discovery. Misdirected religious zeal of this kind opposes many great benefits. When my lately deceased friend, Sir James Simpson, introduced chloroform — that great boon to suffering humanity—he, too, was denounced as irreligious, because he was interfering with a Divine punishment for woman's primeval sin, that in sorrow and travail should she bring forth children. And so was it also in regard to these very contagious diseases in the 15th and 16th centuries. The afflicted patients, smitten, as it was thought, by Divine punishment, were refused admission into hospitals. This refusal, as a traditionary usage, prevails to the present day, and has led to the special class of Lock hospitals. This special provision shows that we have advanced somewhat in Christian humility since those times, and that few dare to express the arrogant conceit that they are entitled to be exponents of Divine retribution by excluding any class of the afflicted from mercy and compassion. But though the religious argument fails entirely, when examined by the light of past experience, the allegations of injustice and immorality brought against the Acts are not affected by it. The injustice is said by my hon. Friend to rest in the fact that they apply restrictions upon women and not on men, although both are equally propagators of the disease. Unquestionably both are, though my hon. Friend, in his leaning to women, thinks men are the worst. To discuss which sex is most effective in the dissemination would be as little profitable as to debate which side of a pair of scissors is most useful in cutting, or whether the upper or lower jaw is most useful in chewing. But the law does not deal with things in this abstract fashion. A purchaser is as necessary as a vendor in the carrying on of a trade; but the law always regulates the trade through the vendor. The fact that these Acts compel the inspection of fallen women and not of vicious men, simply depends upon the circumstance that the former alone are traders in this sinful traffic. There is another law as to the regulation of this particular traffic which will explain my meaning. The general police law authorizes a policeman to arrest, without a warrant, any common woman who is seen to solicit a man. No one says the law is unjust because a man is not arrested for soliciting a woman; and the reason is, that the law is not framed on any abstract principle of morality, but simply for the regulation of a traffic, which it has never been able to repress, though it has often tried to control. Nor does the extension of law to sinful trades recognize these in any way. Thus, in 1430, the Bishop of Winchester was specially charged by ordinance with the regulation of 18 houses of bad repute, which stood then, and for centuries after, on Bankside, Southwark. But no one on that account has contended that they had episcopal sanction. The form of immorality, which we are dealing with, is certainly not an abstract necessity, but it is a notorious fact, just as drunkenness is a fact impossible to be ignored; and when the law intervenes to regulate the traffic in both cases, so that the public may be as little injured as possible, it does not stamp these sins as virtues. You might as well say that when the law regulates the sale of poisons, it thereby sanctions the poisoner. Regulation is not recognition. When, then, you pass a law for the inspection of fallen women and not of vicious men, you introduce no new principle into legislation, but carry out your usual practice of regulating injurious trades through the vendors. It is altogether a different contention, if you put the case on sanitary grounds. Our combatants contract with the State to give efficient personal service, and anything that interferes with their personal efficiency may be regulated by law. A more frequent inspection than that now given may be advisable, but only as a sanitary safeguard, and not on the grounds of unequal treatment of sexes; and this personal examination is already enforced in the Guards, and is being rapidly extended to every regiment. A further contention of my hon. Friend is that the Acts infringe the liberty of the subject. Undoubtedly they do, and so do a hundred other Acts, when a subject uses his liberty to the public detriment. If a parent put his child, suffering under scarlatina, into a cab, in order to convey him to an hospital, the law punishes him; if a lunatic run through a town with a firebrand he is locked up; if the Irish Press disseminate political poison, the law intervenes; and if a woman spread physical poison through our troops, we prevent it also. It is when liberty becomes license that you interfere. This argument about liberty is much used in the Petitions and communications from Scotland. Why we Scotch had the credit, as I think it, or the discredit as the opponents would deem it, of discovering how to prevent the spread of these diseases, and they applied the discovery to the civil population which these Acts do not. In 1497, when these diseases were supposed to spread as an epidemic, like cholera or scarlatina, the sagacious magistrates of Aberdeen thought differently, and shut up diseased women in their houses, branding them on the cheek with a red-hot key if they came out before being cured. This was found so effective, that, six months after, the Privy Council ordered the Town Council of Edinburgh to gather all diseased women, along with their doctors, on the sands of Leith, when boats were provided to transport them to the island of Inchkeith, and, if either they or their physicians returned before being cured, the branding iron was to be applied. Hence the Scotch are really the fathers of these Acts, and should not be so indignant with their gentler Southern progeny. Now we have to answer the serious charge that the Acts tend to degrade and not to uplift the fallen women. For my own part, this would be their thorough condemnation in my eyes, and if I believed it, I would not be here as their advocate. But this charge is not only unsupported by, but is totally opposed to all evidence. And that evidence is unimpeachable, for it consists of the concurrent testimony of chaplains, medical men, and the police, all of whom cannot be in league to pervert facts. Thus, speaking of Aldershot, Dr. Barr describes the condition of the unfortunates in terms, which are actually painful to read. After stating that they were dirty, starved, covered with vermin, and clad in unwomanly rags, he says—

> "Thus less than two years ago, in a terribly morbid condition, with the habits of beasts and the appearance of beggars, the majority of these outcasts of society were alike endless sources of sickness among the troops and disgust among the respectable inhabitants of the neighbourhood."

This was their state before the Act. Now, we are told that they have acquired habits of cleanliness; that diseases, such as itch, arising from filth have disappeared; that the use of profane language in the wards occurs very seldom—

> "And that the chaplain has on several occasions mentioned the pleasure with which he has noticed their uniformly decent behaviour, as well as their quiet attention to his ministerial addresses during the religious services held by him."

Captain Harris, speaking of the women at all the protected stations, describes the general improvement as follows. I quote from his report to the Chief Commissioner of Police—

> "The improvement which has taken place in the persons, clothing, and homes of common women, as regards cleanliness and order, is most marked. Many of the women formerly looked bloated from drink, whilst others were greatly emaciated and looked haggard through disease. Their language and habits are greatly altered. Swearing, drunkenness, and indecency of behaviour have become quite exceptional. The women now look fresh and healthy, and are most respectful in their manner. In fact, these poor creatures now feel that they are not altogether outcasts from society, but that there are people who still take an interest in their moral and physical welfare."

Like testimony, less graphically described, perhaps, but in substance similar, reaches us from each of the protected districts. It is surely more hopeful for the reformation of these unhappy creatures—especially if cleanliness be akin to godliness, that they should be redeemed from a state of savagery to something approaching civilization, even if they are not reclaimed to virtue. But if evidence be worth anything, there is not the slightest doubt that large numbers of them have been reclaimed from vice and now lead virtuous lives. In Malta, where the experience has been longest, this reclamation is described as one of the most marked and happy features of the Act. And in every protected district in England the evidence is concurrent and decisive. In some of them the actual decrease of unfortunates has been more than half; while about a quarter of the whole have been restored to a respectable life. At the whole of the stations 7,766 common women were registered, of whom only 3,016 now ply their vocation in these districts. So that 4,750 have passed from the registers. What has become of them? The answer is most satisfactory. Of this number only 107 are known to be dead, 385 are married, 451 have entered homes or refuges for fallen women, 1,249 have been restored to their friends. Hence 27 per cent have been rescued from infamy. Of the 2,558, or 32 per cent, who have left, all that is known is that they are no longer in the districts, and that their places have not been supplied. Doubtless, many of them are pursuing evil courses elsewhere; but many also, as the police believe, and as charity compels us to hope, have returned to their own homes. These are most striking results of the moral effects of these Acts, and dwarf all voluntary and philanthropic efforts to reform these fallen women. The opponents of these Acts meet such statistics by saying that the women have simply been driven from open to clandestine practices. But this is inconsistent with their allegations that the police have exercised an effective spy system, which is dangerous even to respectable women. It is wonderful, then, that the police know nothing of this increase of clandestine practices. On the contrary, they aver that there is a large diminution of them, and their explanation is this—There are always some women on the verge of vice, and the fear of the Acts has exercised a wholesome restraint on such persons. Afraid of being classed among the fallen, they have withdrawn from attendance at singing saloons and other places of resort, and are thus removed from dangers to which they were exposed. But common sense tells us, that the open and concealed profession of this sinful traffic are bound together. The first class gives the chief supply to, and fast merges into the second class. The large and positive diminution in the number of the open fallen is a proof that there must be a corresponding lessening in the sources of their supply—the clandestine fallen. Nor is this reform surprising when we recollect the humanizing and religious influences under which these unfortunates are brought; for you will recollect that the Act permits no hospital to be certified, till ample provision has been made for the moral and spiritual instruction of the inmates. From the unattractive sensational literature, which has been, with more zeal than discretion, put upon our tables for the last few months, one would be inclined to believe that the hospitals under these Acts are prisons and places of torture. Well, in former periods of history, when an excited and false public opinion on such subjects was allowed to prevail, Lock hospitals deserved this description, but now the hospitals are conducted with kindness and consideration to the fallen. Medical men, chaplains, and nurses gladly aid them in their attempts at reform. So little are these poor creatures accustomed to such humanizing influences, that their hearts become touched, and, in enforced leisure, they are awakened to the shame and misery of their lives. If you will not credit the Return of the police, at least let us believe the chaplains who testify to these results. Were it not that I am unwilling to detain the House, I should read to you the strongest letters in support of this, from clergymen of all persuasions in the protected stations, none of whom have official connection with the Acts. What do the opponents say in reply to such united testimony? They simply murmur their fears that the inspection of such women must have a tendency to degrade and not to elevate them. Well, I would treat those fears with the respect which is due to all sincere convictions, especially as they are the offspring of virtuous minds, who cannot conceive the degradation of the fallen. Unquestionably, modesty in a woman is at once her glory and protection, and I hope it is not wholly extinguished among unfortunates. But traders in immorality, whose bodies are the subject of commerce, have not those feelings of delicate susceptibility which are claimed for them. I admit that it would be a terrible thing if any innocent woman could, by a miscarriage of law, fall under the operation of the Acts. But women, as a class, are as much outside legislative interference, as their virtue and goodness are outside and far removed from the sins of the fallen of their sex. In the operation of all laws there have been isolated cases of miscarriage of justice. I shall leave to the Home Secretary the defence of the police, who seem to me to have exercised a really marvellous tact and discretion in carrying out these Acts, and I will admit, for the sake of argument, though I do not believe it, that there may have been one or two cases of mistakes in the character of the women who have been summoned. But even for robbery or murder, innocent persons have been tried and convicted. When a misadventure occurs in the application of a law, it is a subject of deep regret, and a warning that our safeguards against such contingencies should be multiplied; but it forms no argument for the abolition of a salutary law. The law, as it stands, is singularly careful. It takes no notice of individual immorality, but only of the immoral trader who plies her trade to the detriment of the public forces. It does not allow a common policeman to be an indicator of the trader; but reserves that power to a skilled and responsible superintendent or inspector. No such woman need come under the Acts, if she choose to abandon her courses, or even to leave the district, and in no case need she, without being brought before a magistrate, in public or private as she prefers. So that the constant statements made that any woman can be arrested, detained, or inspected, at the mere will of the police, are utterly without foundation. In conclusion, I trust that I have treated this delicate subject as little offensively to the House as its nature permits. I have tried to show dispassionately that these Acts, viewed as sanitary measures, have been successful, and are becoming progressively still more effective. I have endeavoured to show that they are not unjust, inasmuch as they deal only with traders in a vicious and injurious traffic; and, so viewed, that they are consistent with our usual habits of legislation. So far from degrading the unfortunates subject to them, they have largely ameliorated both the physical and moral condition of the women who have been brought under their operation, alike out of mercy to our forces and of mercy to themselves. For three centuries and a-half these diseases have been the scandal of civilization, and neither philanthropy nor religion have stopped their growth. It is long since that Parliament became cognizant of their serious character. In the year 1529 it arraigned Cardinal Wolsey, *inter alia*, for daring to go into the presence of the King while he was afflicted with the major disease, when he ought to have isolated himself from one in whom the State was interested. This enforced isolation we now extend to the forces which are kept up for the protection of the State. For three years and a-half this active policy of prevention has substituted the do-nothing policy of three and a-half centuries; and the undoubted result has been largely to mitigate disease and to lessen immorality. I trust, therefore, that the House will not repeal Acts, whose past history has answered our expectations, while their future history is full of promise.

MR. HENLEY felt strongly on this legislation. He thought that the Standing Orders should not be put in force when large numbers appealed to the House; 270,000 people had petitioned against these Acts; 67 public meetings had been held. He objected to this legislation in the dark—they had had too much secresy already. Their constituents had a right to know what was said and done, and should not have elaborate statistics shoved down their throats. After referring to the speech of the hon. Member for Edinburgh University, contrasting his figures with the facts that came out in Committee, he (Mr. Henley) said he had referred to these statistics rather to weaken the case of the hon. Member—for himself, he preferred to argue the subject on high moral grounds. So much, he said, for this worthless portion of the subject. They were sapping the morals of the country. The hon. Member was using these great towns as a lever to extend that legislation to the whole country. The system was an immoral one. He knew great names held otherwise; but, in fact, it was licensing prostitution. On June 1, the Derby Day, the cabs were to be examined. Those that were fit were to go on. That was what they did in the case of women. The system was vicious, and one which they dared not debate in public. He deprecated these "secret, dirty, underhand proceedings." Why did not the Committees go a little further? The witnesses in Committee related that some of the women were married, some reclaimed. The figures were remarkable. He (Mr. Henley) dissected the figures at length; but resisted the argument based on those figures. He said, would they take the whole prostitution of the country into their hands? He would make no crusade against any special vice. He objected to making a vice more useful. The Almighty had created a penalty. He (Mr. Henley) said—Relieve misery, relieve disease; but do not turn loose those who are clean. They dared not argue this matter in open day. So many had petitioned—the subject had been so frequently discussed — that they might as well have debated it in open day. What would people say? Every statement might be tested. To-morrow the hon. Member for Edinburgh University would say his figures were right; he (Mr. Henley) would say his were right. He could not sit down without referring to a document signed by many great names, including five Bishops—"a smartish lot to go into an affair of this kind," "some of them colonial." It was a disgrace not to argue it in open day. If it could be shown that it was not licensing prostitution it would have been well to show as much. As to the document to which these Bishops had appended their hands, the evidence was unsatisfactory. He went on to dilate on Mr. Parson's evidence. The appeal to a magistrate was illusory. The woman preferred to go to be examined at the dictum of a police officer. Officers were men, and liable to be misled. Would they dare to put this law in force in the case of men? He criticized Mr. Sloggett's evidence and the questions put to him, and the motives with which they were put. He was sorry to have detained the House. The prosperity of the country had increased, marriages had increased, and children had increased, and illegitimate children had diminished. He would never be a party to licensing this offence. But "the rulers had taken counsel together" and was it not possible they might be laughed to scorn? Medical testimony was not trustworthy, for men would sometimes treat themselves. This was human nature. He repeated—this legislation was immoral; they dared not proceed with it openly, and so they were proceeding by sap. He cast upon them the responsibility of the cursed legislation on which they seemed determined to proceed.

MAJOR ANSON said: Whatever the opinion of individual Members of this House may be with regard to the Contagious Diseases Acts, we must all agree that it is a matter of the greatest importance, and one, moreover, upon which the people of this country would be justified in feeling extremely jealous as to any action which might be taken with regard to it, either by the House or by the Government. It is, therefore, not only to be regretted that the speeches to which we have already listened should have been delivered in the absence of the only channel of communication between this House and the general public; but it is also of the deepest importance that the general views of Members of the House on this subject, and the evidence which they may advance, whether for or against the working of the Acts, should be laid before all classes in the country, in order to enable them to form a sound opinion on the subject. It is with this object in view that, in the absence of the usual means of spreading this information, I beg to move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Major Anson.*)

MR. BRUCE announced that the Government were prepared to authorize the issue of a Royal Commission.

SIR JOHN PAKINGTON said, he had heard the decision of Her Majesty's Government with very great regret. He thought it a weak and most unfortunate course, especially at a moment when the fair trial of a great experiment was only just commencing, and when a great majority, both in Parliament and the country, was prepared to support the Government in resisting a premature demand for a change of policy.

MR. CARDWELL said, that the granting of a Commission was no proof of weakness on the part of the Government in their support of the system in force under the present Acts. On the contrary, if the discussion had proceeded, he should have been prepared to bring forward proofs of the great advantages—moral as well as physical—which had resulted from the system. But was it desirable that such a discussion should proceed? Were they not under great disadvantages in discussing such a subject in that House? If they discussed it, as they had to-night, with the Galleries cleared, they excluded those whose representatives they were from the knowledge of the proceedings they took on their behalf. If they discussed it with the Galleries open, then a subject—which, until this year, there was a very natural indisposition on the part of everybody to discuss at all—was made painfully familiar to the young as well as to the old, and brought next morning under the notice of ladies, perhaps, as well as of men. It seemed to him, then, that this dreadful subject ought to be thoroughly examined, but not in Parliamentary debate; and that a Commission afforded the best means of probing it to the bottom without giving needless offence to public decency.

MR. LIDDELL hoped the House would, even at this protracted period of the debate, agree to the Motion for Adjournment. It was most desirable that a debate upon this subject should take place; and, above all, that constituents and the public generally should be informed of the reasons for or against maintaining the Acts now under discussion. So strongly had he felt this conviction that he had risen an hour and a-half ago, quite early in the debate, to make a similar Motion. He was not in favour of the repeal of these Acts upon an imperfect knowledge of their working and effect; but he was fully aware that, rightly or wrongly, wisely or unwisely, the public mind had been deeply stirred by the agitation of this question out-of-doors. He believed the public were ill-informed upon this question, and that much misapprehension and no small exaggeration prevailed respecting it. He had no fear of inquiry, because he believed it would confirm the policy of these laws; but it was precisely for these reasons that he had so deeply regretted the injudicious course adopted by an hon. Member earlier in the evening. He regretted that this painful subject had been discussed with closed doors and empty Galleries. He thought the step taken to secure secresy for this discussion was, to say the least of it, inexpedient. What the public wanted to know, and had a right to know, was—if these laws were to remain in force—why? They were waiting to hear what the Home Secretary had to say on behalf of the "Police;" what the War Secretary had to tell them for the "Soldiers;" and the First Lord of the Admiralty for the "Sailors" of this country—and regretting, as he did, that much had already been said in secret which ought to be heard openly, he trusted they would, with one voice, assent to the adjournment.

MR. RUSSELL GURNEY said, he was exceedingly glad to hear of the determination at which the Government had arrived. In consequence of the great interest taken in this question in the town which he had the honour to represent, he had felt it to be his duty to take great pains to ascertain what was the right course to pursue with reference to the Motion of his hon. Friend the Member for Cambridge. He had carefully read the evidence given before the Committee of this House, as well as the numerous pamphlets which had been published on the subject; and the only conclusion at which he had been able to arrive was, that further inquiry was absolutely necessary. The evidence of Mr. Simon was, to his mind, perfectly conclusive upon this point. He had pointed out what the points were on which further evidence was necessary, and the manner in which it could be obtained. There was only one other matter which he wished to press, and that was that, until this further information was obtained, there should be no extension of the area over which the Acts now in force should have operation. It being admitted that further inquiry was necessary, it was exceedingly undesirable that any district should be brought under the operation of the Acts until the information was furnished which it was hoped would satisfy the public of the groundlessness of the objections which had been urged with so much force by the opponents of the Acts.

MR. CRAUFURD—

MR. M'LAREN said, he had risen to address the House for a few minutes, only to correct a misapprehension on the part of the right hon. Gentleman the Secretary for War, who appeared to think that the numerous public meetings, and the 270,000 petitioners who had addressed this House, desired only an investigation into the operation of these Acts. Now, this was a most erroneous opinion. He (Mr. M'Laren) had presented many Petitions, and had read the resolutions and proceedings of many meetings; and, as a rule, they did not ask for any inquiry, nor would the petitioners be satisfied with the result of any inquiry, however favourable it might appear to be to the operation of the Acts. The petitioners took up the question on the ground that these Acts were a violation of justice and of civil liberty—a contrivance to oppress weak and defenceless women for the gratification and supposed benefit of men; and being already satisfied with the inquiries which had been made, they held mainly to the moral aspects of the question, and called for the total repeal of these iniquitous Acts. None knew this to be the general feeling of the petitioners better than his right hon. Friend the Home Secretary; for he had received a very large deputation, consisting of gentlemen and ladies, appointed by a conference of the delegates from all parts of the kingdom recently held in London, and who had stated to him their views, and had left with him their memorial, which had since been printed. He (Mr. M'Laren) would, with the permission of the House, read from it a short passage to show that he had correctly represented the views of the petitioners—

"We unhesitatingly adopt an ancient sentiment, that an injustice to the meanest citizen is an insult to the whole community. Grant that a woman who trades in her person is the meanest of citizens, yet she does not cease to be a citizen, much less to be a woman. In our belief we are speaking truthfully and soberly in pronouncing the treatment of the women indecent, depraving,

> and barbarous. Moreover, the Acts overthrow legal safeguards for all women, as is stated below in detail. To us it seems that the phrase 'instrumental rape,' applied by a leading physician to that which is by the Acts called medical examination, is strictly correct. The examination is made not because disease exists, nor for the purpose of curing disease, but merely to ascertain whether the woman may be pronounced by the authorities fit for prostitution. The process is used even against wives and against women who recently have been, or are about to be, mothers. Such violation of the person is in our judgment an intrinsic wickedness; and we feel called on to avow this judgment plainly."

In these sentiments he (Mr. M'Laren) entirely concurred. It had been argued by his hon. Friend the Member for the University of Edinburgh that disease had, in some cases, been diminished 50 per cent under the operation of these Acts. Even if this were conceded, in place of being controverted, and even if it could be shown that the diminution was 90 per cent, this would not alter the views expressed by the petitioners, for they did not regard the question as one of sanatory statistics, or of medical knowledge, but of moral justice; and therefore they desired no farther inquiry, and nothing would satisfy them but the entire repeal of these Acts, in which views he most cordially concurred.

Mr. NEWDEGATE: Sir, I desire to tender to the hon. Member for Cambridge (Mr. W. Fowler) a very simple piece of advice, and this is, that he should divide the House against the Motion for the adjournment of this debate. It is quite obvious, that if this debate is adjourned and again renewed, that it is very improbable that the hon. Member for the Ayr Burghs (Mr. Craufurd) or any other Member will move that strangers should again be excluded from the House. During the absence of the reporters on this occasion the hon. Member for Cambridge has made a most able speech in moving for leave to introduce his Bill. He was followed by the hon. Member for Edinburgh (Dr. Lyon Playfair) in a speech, of which I will only say that its purport was very materialistic. My right hon. Friend the Member for Oxfordshire (Mr. Henley) has made a very able speech in the sense of the Member for Cambridge, impugning the highly immoral character and tendency of this contagious diseases statute. I feel strongly on this subject with the hon. Member for Cambridge and the right hon. Member for Oxfordshire. In my opinion, the sooner the House gets quit of this nauseous, this noisome piece of legislation, of this aping of foreign police espionage, of this unconstitutional system of foreign police, the better for the country and the better for the reputation of this House. It is obvious that there is an intention to extend the sphere of the operation of this noxious statute beyond the already wide limits of its operation around the garrison towns and camps in which it already prevails. The right hon. Gentleman the Secretary of State for War has intimated, since the Adjournment was moved, that the Government intend to issue a Commission to inquire into the operation of this statute, while expressing approval of its operation. [Mr. Cardwell here rose, as though to make some explanation, but sat down again without uttering a word.] If Her Majesty's Government are contented with the operation and effects of the Contagious Diseases Acts and do not intend to extend the sphere of their operation, why, I repeat, do they propose to inquire? No one could doubt, after hearing the speech of the hon. Member for the University of Edinburgh—who appeared armed with privileged statistics unknown to Members in general—that there is an intention to extend the operation of this statute, and of the police system it enacts, to the general population of this country. What did the hon. Member say? He said that the operation of the Acts in and around Windsor had, in his military sense, been so successful that he hoped they would be extended to the metropolis; and, again, he cited what he considers the success of the statute in and around Aldershot (I think), and that, therefore, he desired the extension of the operation of the statutes to Glasgow. There can be no doubt of the intention to extend the operation of this noisome legislation, to which the people object. I advise the hon. Member for Cambridge to divide the House against the adjournment of this debate, as the only means by which he can avoid being taken advantage of. He spoke very ably in moving for leave to bring in his Bill; he spoke in the absence of the reporters; so has my right hon. Friend the Member for Oxfordshire. The Government—Her Majesty's Ministers—have not spoken; neither the hon. Member for Cambridge nor the right hon. Gentleman the Member for Oxfordshire can, according to the rules of the House, speak again upon the Main Question. If, therefore, this debate be now adjourned, and when it comes on again the reporters be not excluded, the speeches of Her Majesty's Ministers and of other Members, in defence of this noisome statute and in answer to the Members for Cambridge and Oxfordshire, will be reported, while their able speeches will not be reported; this would be obviously unfair, and tend to the misinformation of the public. It is obvious that this debate ought in fairness to be concluded, as it began, in the absence of the reporters and of other strangers.

MR. CLAY said, that the hon. Member for Edinburgh (Mr. M'Laren) asserted, with truth, that the very numerous petitioners in favour of this Bill asked for a repeal, and not for inquiry; but it did not follow that they would not be, at least, partially satisfied by the latter course. The hon. Member had mentioned a very influential deputation which had waited on the Home Secretary to urge upon him repeal; but the hon. Gentleman was either ignorant of the fact, or had forgotten to mention it, that that deputation expressed satisfaction at hearing the intention of the Government to appoint a Commission. But the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate) insisted that it was the intention of the Government to extend the operation of this obnoxious law, and he used this singular argument—"If this is not so, why inquire?" Why inquire! In order to enable us to decide whether it is right to support such a Bill as the hon. Member for Cambridge (Mr. W. Fowler) seeks to introduce to-night. Inquiry was asked for not with the view of extending the operation of the present law, which, in the present state of feeling in the country, would be madness, but in order to know whether it is right to repeal it.

MR. BAINES said, that as a member of the deputation which had waited upon the Home Secretary, he could bear witness that the deputation expressed gratitude to his right hon. Friend for having received them with his wonted candour and courtesy, but not for his promise of a Commission. He did not know whether an individual or two might have spoken in that sense; but, certainly, the deputation in general signified no approbation or acceptance of the proposition, which was quite new to them, and on which they had no authority to speak. He had one remark to make—namely, that he had heard with pleasure that evening from his right hon. Friend that, if a Commission were appointed, it would inquire into the moral bearings of the question, as well as its physical bearings. He was sure that, in the present state of public feeling on the subject, the moral question could not safely be disregarded.

MR. GLADSTONE said, his object would be to widen the scope of the Commission; and he could assure the hon. Member (Mr. Baines) that the moral aspect of the question should not be lost sight of. And he could further promise that those selected for the Commission should be persons of knowledge and authority, and enjoying the confidence of the community. He must say that he protested against the course taken by the hon. and learned Member for Ayr (Mr. Craufurd)—he thought it was an unhappy course, and that the subject was one from which public advantage would result from its being openly discussed. The public were already distrustful on the subject, and ought to have every opportunity of being re-assured by public discussion.

MR. MUNDELLA: Sir, the Motion for the adjournment of the debate prevents me from submitting to the House my reasons for supporting the Bill of my hon. Friend for the repeal of these Acts. I have arrived at the conviction that they ought to be repealed from different reasons to those already advanced; and I could have wished that a full discussion of this important question had been permitted, and that it should have gone forth to the country through the ordinary channels. This, I regret, has been prevented by the Motion of my hon. Friend the Member for the Ayr Burghs. I hoped that one result of this debate would have been a cessation of this agitation, and a stoppage of that stream of offensive literature which has flooded our houses for several months past. This desirable result, however, has been frustrated by the injudicious exclusion of reporters from the House. And the discussion of this disagreeable question, which has penetrated into the kitchens and factories, will be prolonged, and the agitation intensified, by the conviction on the mind of the country that investigation has been stifled in this House. In our present position those of us who are opposed to these Acts have no alternative but to vote against the Adjournment and accept the Commission offered by the Government. But the House may be assured we have not heard the last of this question. It will meet us in a less decorous form than it has done to-night. These Acts are opposed to the sacred family life which is the glory of this country; and I was prepared to show that in those countries where they had been most stringently enforced, they had most signally failed. At the commencement of this debate, two intelligent foreign merchants of my acquaintance, were under the Gallery. I inquired of them the effects of these Acts on the health and morals of their respective countries. One answered he believed they operated injuriously to both. The other objected. He said—"They are favourable to health, but as for morals—we have none."

MR. BONHAM-CARTER—

SIR JAMES ELPHINSTONE—

MR. GILPIN: Sir, I respectfully protest against the course just taken of advocating the Acts which have been under discussion while speaking on the subject of the adjournment of the debate. I submit that it is quite out of Order. Referring to the subject to which several hon. Members have alluded—the exclusion of the public upon the Motion of the hon. Member for Ayr—I have shown my opinion of that exercise of a questionable privilege by placing in your hands a Notice of Motion restricting such privilege in future to the majority of Members in this House.

MR. W. FOWLER, in reply, said, he objected to the decision of the House being taken upon a side issue. The appointment of a Commission would not remove the difficulty which he felt, which was one of principle.

Question put, "That the Debate be now adjourned"—The House *divided*: Ayes 229, Noes 88; Majority 141.

Debate *adjourned* till *Tuesday* 21st June.

Mr. Mundella

YES.

Acland, T. D.
Agar-Ellis, hon. L. G. F.
Amcotts, Colonel W. C.
Amory, J. H.
Amphlett, R. P.
Anson, hon. A. H. A.
Archdall, Captain M.
Ayrton, rt. hon. A. S.
Bagge, Sir W.
Bailey, Sir J. R.
Baker, R. B. W.
Ball, J. T.
Barnett, H.
Bass, M. T.
Beaumont, Captain F.
Bentall, E. H.
Bentinck, G. C.
Blennerhassett, Sir R.
Bolckow, H. W. F.
Bonham-Carter, J.
Bourke, hon. R.
Bouverie, rt. hon. E.P.
Bowring, E. A.
Brassey, T.
Brewer, Dr.
Bruce, Lord C.
Bruce, right hon. H. A.
Bruen, H.
Burrell, Sir P.
Buxton, C.
Cameron, D.
Campbell, H.
Cardwell, right hon. E.
Carnegie, hon. C.
Carter, Mr. Alderman
Cave, right hon. S.
Cavendish, Lord G.
Cawley, C. E.
Cecil, Lord E. H. B. G.
Chadwick, D.
Chambers, M.
Childers, rt. hn. H. C. E.
Cholmeley, Sir M.
Clive, Colonel E.
Clive, Col. hon. G. W.
Clowes, S. W.
Cogan, rt. hon. W. H. F.
Colebrooke, Sir T. E.
Cowper-Temple, rt. hn W
Craufurd, E. H. J.
Crawford, R. W.
Crichton, Viscount
Cross, R. A.
Cubitt, G.
Dalrymple, D.
Davenport, W. B.
Dease, E.
Denman, hon. G.
Dickinson, S. S.
Dickson, Major A. G.
Dillwyn, L. L.
Dowse, R.
Duff, M. E. G.
Duff, R. W.
Du Pre, C. G.
Eaton, H. W.
Edwardes, hon. Col. W.
Egerton, Capt. hon. F.
Egerton, hon. W.
Elphinstone, Sir J. D. H.
Enfield, Viscount
Ennis, J. J.
Eykyn, R.
Feilden, H. M.
Finch, G. H.
Finnie, W.
FitzGerald, right hon. Lord O. A.
Fitzmaurice, Lord E.
Fletcher, I.
Foljambe, F. J. S.
Forster, rt. hon. W. E.
Fortescue, hon. D. F.
Galway, Viscount
Garlies, Lord
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Goldney, G.
Goschen, rt. hon. G. J.
Grant, Col. hon. J.
Graves, S. R.
Gray, Sir J.
Greaves, E.
Gregory, G. B.
Greville, hon. Captain
Grey, rt. hon. Sir G.
Grosvenor, hon. N.
Grove, T. F.
Gurney, rt. hon. R.
Hamilton, Lord G.
Hamilton, Marquess of
Hanmer, Sir J.
Hardy, right hon. G.
Hartington, Marquess f
Hay, Sir J. C. D.
Henley, Lord
Herbert, rt. hon. Gen. Sir P.
Hildyard, T. B. T.
Hoare, Sir H. A.
Hodgson, W. N.
Hornby, E. K.
Hoskyns, C. Wren-
Howard, hon. C. W. G.
Howard, J.
Hughes, T.
Hunt, right hon. G. W.
Hurst, R. H.
Kavanagh, A. MacM.
Kay-Shuttleworth, U. J.
Kekewich, S. T.
Kennaway, J. H.
Kingscote, Colonel
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull-Hugessen, E. H.
Lea, T.
Lefevre, G. J. S.
Lewis, J. D.
Lewis, J. H.
Liddell, hon. H. G.
Lindsay, hon. Colonel C.
Lindsay, Colonel R. L.
Locke, J.
Lorne, Marquess of
Lowther, J.
Lubbock, Sir J.
Lush, Dr.
Lyttelton, hon. C. G.

M'Lagan, P.
Magniac, C.
Mellor, T. W.
Melly, G.
Milles, hon. G. W.
Mills, C. H.
Monk, C. J.
Monsell, right hon. W.
Montgomery, Sir G. G.
Morgan, G. O.
Morrison, W.
Mowbray, rt. hon. J. R.
Murphy, N. D.
Noel, hon. G. J.
Ogilvy, Sir J.
Onslow, G.
Otway, A. J.
Pakington, rt. hn. Sir J.
Palk, Sir L.
Palmer, J. H.
Palmer, Sir R.
Parker, Lieut.-Col. W.
Parry, L. Jones-
Patten, rt. hon. Col. W.
Pease, J. W.
Peek, H. W.
Peel, A. W.
Philips, R. N.
Phipps, C. P.
Playfair, L.
Plimsoll, S.
Plunket, hon. D. R.
Pollard-Urquhart, W.
Potter, E.
Power, J. T.
Price, W. P.
Rathbone, W.
Rebow, J. G.
Ridley, M. W.
Roden, W. S.
Rothschild, N. M. de
Russell, A.
Russell, H.
St. Aubyn, J.
Samuda, J. D'A.
Samuelson, B.
Sartoris, E. J.
Sclater-Booth, G.
Scourfield, J. H.
Selwin-Ibbetson, Sir H. J.
Shaw, W.
Sherriff, A. C.
Simonds, W. B.
Smith, E.
Stacpoole, W.
Stansfeld, rt. hon. J.
Stapleton, J.
Stone, W. H.
Strutt, hon. H.
Stuart, Colonel
Sturt, H. G.
Talbot, C. R. M.
Talbot, J. G.
Talbot, hon. R. A. J.
Taylor, P. A.
Tipping, W.
Tollemache, hon. F. J.
Tollemache, J.
Torrens, W. T. M'C.
Tracy, hon. C. R. D. Hanbury-
Trelawny, Sir J. S.
Trevelyan, G. O.
Turner, C.
Turnor, E.
Vandeleur, Colonel
Villiers, rt. hon. C. P.
Vivian, H. H.
Vivian, Capt. hon. J. C. W.
Walker, Major G. G.
Waters, G.
Welby, W. E.
Whatman, J.
Williams, C. H.
Williams, W.
Williamson, Sir H.
Willyams, E. W. B.
Wingfield, Sir C.
Winterbotham, H. S. P.
Woods, H.
Wyndham, hon. P.
Wynn, Sir W. W.
Young, G.

TELLERS.
Adam, W. P.
Glyn, hon. G. G.

NOES.

Allen, W. S.
Anderson, G.
Arkwright, R.
Armitstead, G.
Aytoun, R. S.
Backhouse, E.
Baines, E.
Brinckman, Captain
Bristowe, S. B.
Brown, A. H.
Buckley, Sir E.
Butler-Johnstone, H. A.
Candlish, J.
Cholmeley, Captain
Corbett, Colonel
Cowen, J.
Davie, Sir H. R. F.
Davies, R.
Davison, J. R.
Dilke, Sir C. W.
Dimsdale, R.
Dixon, G.
Downing, M'C.
Duncombe, hon. Col.
Eastwick, E. B.
Edwards, H.
Ewing, A. O.
Ewing, H. E. C.
Fawcett, H.
Fielden, J.
Figgins, J.
Forster, C.
Fowler, R. N.
Gallwey, Sir W. P.
Gilpin, C.
Goldsmid, Sir F. H.
Gore, J. R. O.
Gourley, E. T.
Graham, W.
Greene, E.
Grieve, J. J.
Grosvenor, Capt. R. W.
Hadfield, G.
Hambro, C.
Hamilton, Lord C. J.
Haviland-Burke, E.
Henley, rt. hon. J. W.
Henry, J. S.
Herbert, hon. A. E. W.
Hermon, E.
Hick, J.
Hill, A. S.
Hodgkinson, G.
Holms, J.
Jones, J.
Lancaster, J.
Lusk, A.
M'Arthur, W.
M'Clure, T.
M'Combie, W.
M'Laren, D.
Matthews, H.
Miall, E.
Milbank, F. A.
Miller, J.
Mitchell, T. A.
Morgan, hon. Major
Mundella, A. J.
Newdegate, C. N.
North, Colonel
Pell, A.
Pim, J.
Potter, T. B.
Reed, C.
Richard, H.
Russell, F. W.
Rylands, P.
Seely, C. (Nottingham
Shaw, R.
Simon, Mr. Serjeant
Smith, F. C.
Smith, R.
Stevenson, J. C.
Whalley, G. H.
White, J.
Whitwell, J.
Whitworth, T.
Winn, R.

TELLERS.
Bright, J. (Manchester)
Fowler, W.

HORSE RACING.—LEAVE.

MR. T. HUGHES, in moving for leave to bring in a Bill to amend the Laws relating to Horse Racing, said, that since he had placed his Notice of Motion on the subject on the Paper he had received a large number of letters, assuring him that the evils which attended on the sport of horse racing had spread more widely and much more deeply than he had any idea of. One letter which he had received was from a turf agent in times past, who had conducted many large money operations, and who stated that he had witnessed the ruin of hundreds of persons of all classes, and could tell of bankruptcies, robberies, suicides, and other ills, all arising from the habit of betting, as well as the rise to wealth of some of the greatest and most illiterate vagabonds. He had also had many letters, chiefly anonymous, abusing him for taking the step which he was now taking. In one of those letters—he would pass over all the personal abuse with which it opened —it was stated that it was, in fact, difficult for any one to define in what the evils of betting consisted; that in the opinion of the writer they were more imaginary than real, and that they existed in the minds only of prejudiced idiots, as thousands of persons were getting their living by betting. Now, his reason for bringing the subject before the House was precisely this—that thousands of people were getting their living by betting, just as thousands were getting their living by picking pockets openly. He would refer, in support of the view which he took, to a case which had happened within the last few months. It appeared, from the sporting newspapers, that at a race meeting at Chester—a very important meeting—a gentleman well known on the turf had a horse which was a favourite for an important race. That gentleman, it seemed, on arriving at Chester, communicated with persons interested in racing in the town his intention not to run his horse. When asked why he came to that resolution, he said he had not money enough on the race, that his price was £14,000, and that if he did not get that sum his horse should not run. There was no pretence of sport; but it was simply a case of speculative trading of a mischievous character. Now, that was a case which clearly showed, he thought, that betting was degenerating into a trade, and no one would maintain that it was a useful trade to the country. It was, however, said—"Why not leave the whole matter to the Jockey Club?"—and so far as he was concerned he should be glad to do so, if the Jockey Club of the present day were only like that of our fathers or grandfathers. The Jockey Club of 60 years ago were vigorous rulers of the national sport. They had turned out of their own body the highest Gentleman in the realm, the then Prince of Wales, and prohibited him from running his horses on the turf, on the simple suspicion that he had instructed his jockey not to win a race when he could have won. The jockey, whose name was Chiffney, published a pamphlet, in which he brought forward evidence to show that the accusation was untrue. He had not himself seen this work, which was so rare that a copy of it was, he believed, now worth something like £5. In it, however, Chiffney made a solemn declaration that he had not been instructed not to win, and that he had, in fact, done his best to win. But be that as it might, the Jockey Club, in former times, proceeded on mere *primâ facie* evidence, while the Jockey Club of our own day had not shown the same power of dealing with such matters. At the commencement of the reign of her present Majesty there were four Acts by which affairs relating to the turf were regulated. There were the Acts of Charles II., and of Anne; and, by the combined operation of those Acts, any person who lost more than £10 by betting on horse racing was empowered within three months to sue and recover that sum from the person who won it. If, after the expiration of three months, he did not so proceed, power was given to any common informer to proceed against the person who won the bet, and he was entitled to recover three times its amount together with the costs of the action. Besides the two statutes he had mentioned, there were two of the reign of George II. The first of these was the 13 *Geo.* II., by which it was enacted that no person but the actual owner could run any horse; that no person should run two horses in any race; and that no race should be run for a less stake than £50. Again, there was the 18 *Geo.* II., which provided that any person who either won or lost a sum of £20, on any one day, in betting should be liable to be sued by any person who might take the matter up, and that five times the amount might be recovered, either from the persons who lost, or those who won. For the alterations made in the law as it stood at the beginning of the present reign the Jockey Club were responsible. The first alteration took place in the third year of her present Majesty. In 1840 the Duke of Richmond of that day brought in a Bill, as the representative of the Jockey Club, to repeal the 13 *Geo.* II., and that Bill was passed. The result was, that within three years afterwards the whole country was filled with little races. Every second-rate town, where a publican found a spot to set up a race-course, came to have its races for all sorts of small stakes. That was the commencement of the system which brought racing into the position in which it now stood. The Jockey Club appeared to have soon become alive to the mischief of the change, and in 1843 the Duke of Richmond, again as the representative of the Jockey Club, took very strong measures, for certain persons were ordered out of the race-course at Goodwood to mark the sense in which the Jockey Club viewed their conduct. In answer to this decided declaration of hostilities, actions, varying from £5,000 to £120,000, were brought against gentlemen of the highest position in the country on account of bets they had made—one of the Gentlemen, the hon. Member for Galway (Mr. Gregory), being at that moment in the House. He had no doubt that the result of these actions afforded great relief to the mind of the hon. Gentleman and his fellow-sufferers. The only one really brought to an issue was the one against the late Lord George Bentinck. That action was brought to recover three times the amount of a bet of £3,000 laid by the late Lord George Bentinck, and it would have gone hardly against him had it not been that the late Mr. Gully, then a Member of that House, appeared as a witness, and stated that the bet had been made with him instead of with the person whose name was mentioned in the indictment. Before the other actions could be brought to trial the then House of Commons decided to interfere, and a short Act was passed in 1844, suspending all legal process while inquiry into the matter was made. A Committee of both Houses sat, and the result of their deliberations was the Act of the 8 & 9 *Vict.*, which was the present law for regulating horse racing. By that Act the whole of the statutes on the subject were swept away, a *tabula rasa* was made, and all the notice that the statute took of the subject was in the provision that money lost in betting on horse racing could not be recovered in a Court of Law. It was stated at that time that the matter would be effectually dealt with if left to the direction of the Jockey Club. The next time that the House legislated on the subject was in 1853, when the Betting House Act was passed, which provided stringent remedies against the system which had sprung from the repeal of the old statutes—namely, the system of betting houses, advertising agents, and cards. The unfortunate omission of Scotland from the operation of that Act, he was happy to hear, was to be rectified in the present Session by a Government measure. No doubt matters improved considerably from 1853 to 1860; but in that year they had again become so bad that Lord Redesdale introduced in the other House the Light Weights Bill, which was to fix the minimum weight to be carried by any horse at seven stone. In opposition to that Bill the late Lord Derby represented, on behalf of the Jockey Club, that that body were prepared to deal with the evil of light weights and handicaps. Upon that representation the Bill was withdrawn. Nothing had been done since that time by the Jockey Club, or by any other racing body in the country, nor had any further legislation taken place, and things had now become so bad that he submitted it was high time that the House should do something instead of relying any longer upon the Jockey Club. The House might, perhaps, remember the story of the Kentuckian who, boasting of his strength, offered to bet his walking companion—a small Englishman—that he could throw him over a pretty wide ditch. The Englishman accepted the wager, and the Kentuckian, taking him by the scruff of the neck and the waistband of his trousers, flung him into the middle of the water. Scrambling to the bank the Englishman demanded his 10 dollars, whereupon his companion answered—"No, stranger, I guess not. I did not say I could do it the first time or the second time; but I can do it." And if the House trusted to the Jockey Club to get them over the ditch, they would find, in the same way, that they would only be thrown, over and over again, deeper into the mire. There was no wish on the part of the Club to interfere. The question must be looked at from two points of view, and the first regarded horses. He believed that the very highest evidence had shown that the present system of horse racing must result in the deterioration of our breed of horses. [Mr. OSBORNE: No, no!] He was willing to confess that his hon. Friend behind him who cried "No, no!" was more conversant with the subject than he was [Mr. OSBORNE: Hear, hear!]; but to race horses under two years was simply using beasts before they had arrived at maturity, and could only be likened to subjecting to competitive examinations and training for boat races boys of seven years of age. He held in his hand a letter signed by two of the highest authorities on this subject — Sir Joseph Hawley and the hon. Member for Lincolnshire (Mr. Chaplin). In that letter, the Gentlemen to whom he alluded said—

> "We do not join in the cry so often raised now about degeneration; as yet we believe that our horses, properly used, have not materially suffered; but we are no less firmly convinced that, deterioration being shown by experience to be as clearly possible as improvement, the running of two-year-olds, and the consequent prevalence of short courses, will as surely effect it as the care and judgment of our ancestors turned the ponies of the last century into racehorses of to-day. . . . The prescience of one whose experience

has justly placed him at the head of turf authorities (Admiral Rous) long ago recognized the danger of present tendencies, and has more than once denounced the insatiable appetite for early racing as 'a crying iniquity which ought to be forbidden by Parliament.'"

Again, they add—

> "Still, when we find that while for 10 years no English-bred aged horse has started for any of the three great cups, yet an enthusiastic supporter of the present system can nevertheless declare 'our four-year-olds to be unexampled specimens of perfection, and Belladrum and Wild Oats the two grandest specimens ever seen by man,' the time for action seems to have arrived."

There could be no doubt, if figures went to prove anything, that the breed of horses was suffering very much from the habit of premature racing. A return from the *Racing Calendar* showed, during 25 years—from 1843 to 1868—the number of two-year-olds run at races had increased four-fold, while the number of races of a mile and upwards had decreased. Then, again, with regard to betting, could they leave that matter in the hands of the Jockey Club? He was speaking under the correction of hon. Gentlemen; but he believed it to be a fact that the Jockey Club had advisedly declined to accept any jurisdiction in the matter of betting, and the time had come when the House should step in and deal with the subject by definite legislation, if they wished to check demoralization, and to rescue the old popular sport of this country from deterioration and degradation. Therefore, the question was what should the House do. After conferring with the best authorities, he had prepared a Bill, which he now asked the House to read for the first time. The provisions of the Bill were very simple. The principal provision of the Bill was the abolition of two-year-old races. The second was to return to the state of the law as it stood before 1833, when none but three-year-old horses could start for a Queen's Plate. The Queen's Plates were a very old institution, and there were now upwards of 30 of them. This clause, therefore, provided that no hors, eexcept he was four years old, could win a Queen's Plate. There were other matters connected with racing with which he did not feel competent to deal. There was, for instance, the very intricate system of handicapping, which he did not pretend to understand. Authorities differed very widely about it, and many thought that no Bill of this nature would be complete which left that question untouched. If, therefore, any hon. Gentleman who understood the matter would prepare a clause on the subject, he should be willing to add it to the Bill. As to "P.P. betting," he did not wish to deal with it in the first instance, his object being that the Bill should stand upon the simplest and broadest grounds. But as he was told that no real reform could be introduced unless that subject was grappled with, he would be ready to accept a clause imposing penalties on "P.P. betting." With respect to betting, Her Majesty's Government had expressed their intention to bring in a Bill to rectify the Act 8 & 9 *Vict.* c. 53, and to extend its operation to Scotland, and within the last few days they had shown a disposition to carry out the provisions of the present law more stringently. But that law only applied to the owners and occupiers of places where betting was carried on, and therefore he proposed to introduce a clause, providing that any person who took a deposit of money for the purpose of betting, on the understanding that another sum was to be returned in a certain event, should be amenable to the penalties of the Betting Act; or, in other words, should be liable to a fine of £30, one-third to go to the poor of the parish where the offence was committed and two-thirds to the person who should prosecute. By this means not only the owners and occupiers of particular houses or rooms, but all persons who made a trade of betting, and took deposits of money, would be brought under the Betting Act. He had heard the argument that if such a Bill were passed it would affect the amusements of the poor. He did not think there was anything in that argument; for the great beauty of the sport was, that a poor man could enjoy the sight of the horses running quite as much as the rich man who might be the owner of horses. He had explained the provisions of the Bill. The evil was great and pressing, and he hoped the House would give him leave to introduce the measure. The hon. Gentleman concluded by moving for leave to bring in the Bill.

Sir HENRY HOARE, in seconding the Motion, said, that he had resided for many years in France and taken some share in the racing there, and he believed the time would come when we should go to that country for an example by which to regulate our sports. That House, based as it was upon a large franchise, was bound to deal with that which was injurious to public morality. He regretted that there was no clause in the Bill to meet the evils resulting from "P.P. betting" and handicapping, and he himself, if no other Member should do so, would introduce clauses on the subject. There was scarcely a Member in that House who did not know persons who had been led into immoralities by the present system, and something ought to be done to render racing what it once was—the sport of English gentlemen.

Motion made, and Question proposed,

"That leave be given to bring in a Bill to amend the Laws relating to Horse Racing."—(*Mr. Hughes.*)

SIR HEDWORTH WILLIAMSON did not offer any opposition to the introduction of the Bill; but he considered that neither the Mover or Seconder knew anything of the subject of which it dealt. The hon. Member (Mr. T. Hughes) had shown himself utterly wanting in the most elementary notions about racing, and the hon. Gentleman who had introduced the subject of the popular franchise knew just as little about it. He reserved any observations he might have to make on the measure for the second reading.

LORD GEORGE MANNERS said, he did not intend to offer any opposition to the introduction of the Bill. What he considered the real part of the measure should have his cordial support, and he might say also the cordial support of the body which had hitherto watched over racing in this country. When he said "the real part" of the Bill he meant that portion of it which dealt with the betting that had grown up among us to such an extent of late years. The Jockey Club felt that that was an evil with which they were not competent to deal, and, therefore, they would most cordially welcome the action of that House in correcting so great an evil. But when the hon. Gentleman proposed to legislate on other matters which more nearly affected the details of racing, these were things which he ventured to say the Jockey Club were more competent to deal with. It might not be within the knowledge of all the Members of that House that at this moment there was a committee of the Jockey Club appointed to consider these matters, and of that committee the two very high authorities which the hon. Gentleman had quoted — namely, the hon. Member for Lincolnshire (Mr. Chaplin) and Sir Joseph Hawley—were members. That should be some guarantee that the various matters which formed the subject of inquiry would not be lightly passed over. The hon. Gentleman had been somewhat hard upon the members of the Jockey Club for a period of years, and had gone back half-a-century to show how they had deteriorated. The hon. Gentleman was not quite justified in what he had said on that point, inasmuch as there was no evidence to show that, if the same circumstances arose, they would be inclined to deal more leniently than the Jockey Club had done in the case referred to. Such circumstances had not arisen, and he trusted would not arise; but he had no hesitation in saying that if any member of the Club were proved to be guilty of such practices as were shadowed forth by the hon. Gentleman he would be dealt with in like manner.

MR. M. J. GUEST said, he had great pleasure in supporting the Motion of the hon. Gentleman. The only thing he would suggest would be this, that a clause should be introduced in the Bill to suppress Tattersall's; and now that public lotteries were forbidden, it would be a great means to put a stop to betting if the publication of the odds in this kingdom were not allowed.

MR. HAMBRO said, he was opposed to the Bill, and he trusted that the House would not consent to its introduction. In almost every club there were Derby lotteries, in which were the names of Members of that House and some of the most distinguished names in the country. Those lotteries had nothing to do with horse racing. They had nothing to do with the evil effects of horse racing. Neither had Tattersall's. He was of opinion that the evils connected with the present condition of the turf had been greatly exaggerated, and that betting, when legitimately conducted, was a very fair business. He did not think the House was called upon to legislate for foolish young men and foolish old men who might choose to throw away their money. He did not know that the breed of horses had deteriorated in consequence of horse racing. Only the other day a horse was sold for £5,000. If the House consented to read the Bill a first time, he hoped its rejection would be moved on a future stage.

Mr. W. H. GREGORY desired to say a few words on this subject, because it was one on which he had had some experience. He entirely concurred in the judicious observations of the noble Lord the Member for Cambridgeshire (Lord George Manners). The Bill was intended to do away with great abuses. They had the avowal of the two great heads of the Turf on different sides—of Sir Joseph Hawley on the one side, and Admiral Rous on the other, that unlimited betting, and especially list betting, was a very great evil. One of these gentlemen said it was a gangrene in our moral system; the other said its effects were such that one could hardly judge of the amount of evil they produced. The 1st clause of the Bill met the question of very early racing; the next portion of it was to put a stop to three-year-olds running for Queen's Plates. The latter was a matter that fairly came under the consideration of the House, because there was a question of a grant of public money involved in it. The great object of those prizes was, no doubt, to induce persons to keep hardy horses to run at a more advanced age; but the most important portion of the Bill was that aimed at list houses. It was notorious that many men-servants, clerks, and other persons in responsible positions had been ruined by these houses. List betting had nothing whatever to do with good racing. In his opinion it was most injurious to good racing, because it encouraged robbery and rascality. Young men were induced to enter into it by the hope that they might at once become rich. He would not go into the question of the running of two-year-olds. He was not himself opposed to all "two-year-old running;" but when two such authorities as Mr. Chaplin and Sir Joseph Hawley thought it ought to be prohibited, he thought the point was not one which could be discussed at 10 minutes past 12 o'clock. It was one of the gravest possible subjects connected with racing. Certainly it was one on which there was very great difference of opinion. The Jockey Club was now considering it;

Mr. Hambro

and, therefore, he thought the better course would be to read the Bill a first time to-night, and postpone the second reading till after the Jockey Club had come to a decision.

Viscount ROYSTON could not help expressing his astonishment that a subject of this kind should have been brought forward in that House. Whatever might be the mischief arising from the wrongdoings of young men or of old men, or however bad the running of young horses or of old horses, he did not think the time had arrived when such subjects should become matters of argument in the House of Commons. The discussion of this question had been raised by letters which had appeared in a portion of the Press; but the matter was of such trivial import that he almost blushed at having to address the House on it. It was true that, at a time when gambling had become a great evil to society, Parliament did direct its attention to the suppression of gaming-houses; but no such necessity for legislation existed in the present instance. He contended that a horse was an animal — an animal like an ox or a cow, which when in the possession of a person became his property. If stakes were to be run for, and a man had a good horse which he thought would win, he ran him for profit. ["No!"] He thought he knew more about the matter than the hon. Gentleman who cried "No!" Men did run horses for profit, and he thought a man was entitled to exercise power over his own animal. Questions like the one raised by the hon. Member for Frome (Mr. T. Hughes), and which affected quadrupeds, were not interesting in a House which met to legislate for bipeds. He believed no gentleman in the House could speak with more touching feeling on this subject than the hon. Member for Galway (Mr. W. H. Gregory). The turf was a sport, and he admitted that anyone who speculated upon it encouraged gambling to a certain extent; for speculation had its losses as well as its gains, and, he believed, that the former much exceeded the latter. He, however, contended that the House had no right to interfere with the public in this matter. ["Oh, oh!"] He did not understand these demonstrations. He had lived—he was not ashamd to own it—with gentlemen, and it was not the habit of gentlemen to receive opinions contrary to their own with demonstrations such as these, and which he had heard hon. Members of more experience than himself notice and condemn. He did not mean to oppose the introduction of this Bill. It might do good; he did not think it would do any. The evils of betting in "list-houses" had, he believed, been much exaggerated, yet he admitted that they encouraged men-servants, and even maid-servants, to embark in matters with which they ought not to have anything to do. But there was no more immorality in such transactions on the part of house-maids or kitchen-maids than on the part of hon. Members. If it was wrong for A. to speculate 6*d.*, it was equally wrong for B. to bet £1,000. If the House attempted to legislate on betting, hon. Members would enter upon a difficult subject, and one with which they could not deal effectually, although, if the House would declare that no betting should be permitted in this country he would applaud the resolution, but he defied hon. Members to carry it out. A bet was a contract—it was an obligation upon honourable people which law could not enforce. The Jockey Club were willing to do all they could to put an end to what were called "turf abuses." He had, however, opposed Sir Joseph Hawley's propositions, on the ground that betting was a matter not for legislation, but for settlement between man and man. [*Laughter.*] No doubt many hon. Gentlemen who laughed had had a bet now and then; but they had probably never considered that if they made a bet and lost it they would probably have to pay. There was no law or Act of Parliament about it; but there was no question that a man was more fidgety about paying a bet of £10 than a grocer's bill of £5. The House of Commons had never hitherto interfered with questions of public sport. The hon. Gentleman might get excited about the turf—to which he believed he should not attend; and people who wrote for the public Press excited the public mind upon the subject; but he did not believe their legislation would produce any effect. He would not oppose the Motion; but he would oppose the Bill on its second reading, when he would make some comments, and would probably move its rejection.

MR. OSBORNE: Sir, I had hoped that a question which has been represented as one not only appertaining to the dignity of this House, but also to the morality of the country would not have been left simply to the advocacy of members of the Jockey Club, of which I believe the noble Lord who spoke last is a distinguished representative. He is, at any rate, an esteemed Friend of mine. I had hoped that some Member of Her Majesty's Government, one or two of whom I see on the Treasury Bench, representing the racing interest as well as that of public morality, would have given us their opinion upon this Bill. Now, Sir, whatever may be the sentiment of this House upon this Bill—and some ridicule has been thrown upon it by the way in which it has been treated—I think it is only due to this House that some observation should have been made as to the course that Her Majesty's Government intend to pursue with regard to it. I do not feel that anxiety with respect to the female portion of the community that has been manifested by the noble Lord the Member for Cambridgeshire (Viscount Royston). He has made a noble speech, at all events, and has told us about his housemaids and his ladies'-maids. But there is another view to be taken of this subject—is the time of this House to be wasted in discussing questions with which we are totally incompetent to deal? It is said that this Bill contemplates legislating with reference to the racing of two-year-olds. This is a very respectable House of Commons, and the majority of its Members, as far as I can make out, keep gigs; but, as far as legislating upon the racing of this country is concerned, we all are pretty well aware that if we were to pass a Bill to put a stop to two-year-old races, we should simply be wiping out racing altogether. It has been said by the hon. Member before me (Mr. W. H. Gregory)—a retired member of the Jockey Club—that Sir Joseph Hawley and the hon. Member for Lincolnshire (Mr. Chaplin) contemplate abolishing two-year-old races altogether. Now, that is an entire mistake. All that those gentlemen propose is to delay those races. Well, we are asked to give leave for the introduction of this Bill, and the Government sits silent. I do not mean to refer to the Home Secretary, because I do not see him here [*A laugh.*] Oh, is he there? Well, I did not see him. Well, then, I should prefer to leave the legislation upon the subject of this Bill to him. We shall probably give leave to bring in the Bill, and we shall read it a first time out of compliment to the hon. Member who introduces it; but would it not be more sensible of us not to allow him to bring it in? He has got up his speech very carefully as far as the history of racing goes, although, were it not so late an hour, I might be able to point out one or two points in which he was in error; but is it not a work of supererogation for us to read the Bill a first time, in order that it may be printed at the expense of the country, after which we shall hear no more about it? The Jockey Club, in whom I have the greatest confidence, in spite of the speech of the noble Lord (Viscount Royston), held a meeting on Saturday last, and are about to legislate upon this matter. We had better leave the subject in their hands, and if they do not deal with it efficiently it will then be time enough for us to take up the question. The hon. Member (Mr. T. Hughes) has made an excellent speech—he has given us a synopsis of *Ruff's Guide to the Turf*, and he ought to be satisfied with his achievement. I say, therefore, let him withdraw his Bill, which is a sample of amateur legislation, and is full of moral crudities. If no one else does so, I shall move that we do not give the hon. Member leave to introduce the Bill. I should like, however, to hear the opinion of the Government upon the matter.

Mr. BRUCE: In answer to the appeal of the hon. Member for Waterford (Mr. Osborne), I must say that I do not profess to possess much knowledge upon the subject of this Bill. I think that the hon. Member has given the hon. Gentleman who asks leave to introduce this Bill (Mr. T. Hughes) some excellent advice, although I myself would not be guilty of the discourtesy of moving the rejection of the first reading of the Bill. There is a great deal in what the hon. Member who spoke last has said about leaving the question of two-year-old races in the hands of the Jockey Club. With reference to the betting question, I shall be happy to give every assistance in my power to put down what I believe to be a great source of evil.

Sir LAWRENCE PALK, while acknowledging the right of the House to interfere where gambling became an evil from which society suffered, thought the hon. Member for Frome (Mr. T. Hughes) should be content with the promise of Her Majesty's Government to do their best to put down betting, and with the assurance of the hon. Member for Waterford (Mr. Osborne) that the question was now before the Jockey Club.

Mr. T. HUGHES said, he could not consent to withdraw his Bill without some assurance being given by the Home Secretary that the principle of his Bill would be incorporated in the Bill the right hon. Gentleman intended to introduce in the course of the Session. The Jockey Club had had opportunities of legislating; but since 1853 matters had been getting worse rather than better, and they had over and over again pledged themselves in 1860 to do something, but in vain. He was quite ready to accept the proposal of the hon. Member for Galway (Mr. W. H. Gregory) to postpone the matter until the Jockey Club had had an opportunity of dealing with it.

Question put.

The House *divided*:—Ayes 132; Noes 44: Majority 88.

Bill *ordered* to be brought in by Mr. HUGHES, Lord ELCHO, Mr. OSBORNE MORGAN, and Sir HENRY HOARE.

RAILWAY ACCIDENTS (COMPENSATION).

Committee *nominated* as follows:—Mr. MOWBRAY, Mr. SHAW LEFEVRE, Mr. SCLATER-BOOTH, Mr. HEADLAM, Sir HENRY SELWIN-IBBETSON, Mr. DAVISON, Mr. LOPES, Mr. SHERRIFF, Mr. JAMES LOWTHER, Mr. CHARLES REED, Mr. PLUNKET, Mr. PRICE, Mr. DALGLISH, Mr. HINDE PALMER, and Mr. DENISON:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at Two o'clock.

HOUSE OF COMMONS,

Wednesday, 25th May, 1870.

MINUTES.] — SELECT COMMITTEE — Steam Boiler Explosions, Lord John Hay, Mr. Laird, Mr. Pim, and Mr. Hermon *added*.

Report—Houses of Parliament (New Refreshment Rooms). [No. 257.]

PUBLIC BILLS—*Ordered*—Local Government Supplemental *.

Ordered—First Reading—Joint Stock Companies' Arrangement * [143]; Telegraph Acts Extension * [142].
First Reading—Post Office * [144].
Second Reading — Clerical Disabilities [49]; Game Laws Abolition [Mr. Taylor] [73], *debate adjourned;* Admiralty District Registrars * [111].
Considered as amended—Benefices * [141].
Withdrawn—Adulteration of Food or Drink Act (1860) Amendment * [44].

CLERICAL DISABILITIES BILL.

(*Mr. Hibbert, Mr. John Lewis, Mr. Biddulph.*)

(BILL 49.) SECOND READING.

Order for Second Reading read.

MR. HIBBERT, in rising to move that the Bill be now read a second time, said that, as the grievances which it was proposed by the measure to remove were urgent in their character, a private Member might, perhaps, be excused in dealing with a subject the management of which it was impossible that the Government, with their press of work, could undertake. In 1862 his right hon. Friend the Member for Kilmarnock (Mr. Bouverie) had, though not successfully, introduced a Bill, which was to allow a clergyman to relinquish his calling if he professed to dissent from the tenets of the Established Church. He (Mr. Hibbert) thought, however, that a man's actions, and not his motives, ought to be examined, and therefore the present measure permitted a clergyman to relinquish his calling without assigning any reason. Several gentlemen who felt themselves aggrieved by the present state of the law had, at the commencement of the Session, presented a Memorial to the First Minister of the Crown, in which they set forth the mischief that must accrue to the Church and to religion, in insisting upon retaining men in the ministry who, from conscientious or other motives, were no longer willing or able to perform the duties of their position. They urged that the result of the system was shown in the growing disinclination on the part of the younger members of the Universities to take upon themselves Orders which were held to be irrevocable. The 76th canon, passed in 1603, which still remained in force, provided—

> "That no man being admitted a deacon or priest shall from thenceforth voluntarily relinquish the same nor afterwards use himself in the course of his life as a layman upon pain of excommunication."

The result of that canon was to render a seceding clergyman liable to ecclesiastical penalties at the hands of his Bishop. That was so ruled by the late Lord Denman in the case of Mr. Shore, whose licence to preach was withdrawn by the late Bishop of Exeter, and who afterwards performed the services of the Church of England in a building not belonging to it. He (Mr. Hibbert) would not enter into the question of the indelibility of Holy Orders. The Bill did not deal with Holy Orders at all; but he might observe that, in the year 1603, when the 76th canon was framed, the Church of England did not hold the doctrine of the indelibility of Holy Orders. To the clause in the Bill permitting the return to the ministry, with the consent of the Archbishop or Bishop, of clergymen who had availed themselves of this Bill, he understood some objection might be urged. On that point he had personally no very strong feeling; but the clause was introduced to meet the wishes expressed by some members of the Church. A clergyman becoming a layman ought, in his opinion, to be placed in no worse position than any other layman, and he would be so placed if he could not again take orders as a layman could. This, too, was the opinion expressed in the Report of the Committee of Convocation, appointed to consider the provisions of the Bill formerly introduced by his right hon. Friend the Member for Kilmarnock. The Committee reported—

> "No legislation should finally shut the door against a return to the exercise of the ministry. In moments of depression and disappointment clergymen may be tempted to forego their vows for some worldly considerations. In these cases, as in several others, the *locus penitentiœ* should still be left. The experience of the last two years fully justifies this recommendation; for two, at least, of those who had left the ministry, and who were petitioners for the Clergy Relief Bill, have since returned to their former position in the Church."

The next disability to which he would refer was that imposed by the statute known as Horne Tooke's Act, which declared that no person who had been ordained to the office of priest or deacon in the Church of England should be capable of being elected to serve in Parliament. Considering the time at which that Act was passed—namely, the beginning of the present century, and considering that since that period most of the religious grievances which then existed had been got rid of, he thought the House would come to the conclusion that it was no longer necessary to retain such an enactment with respect to clergymen who had no cure of souls, and who were not beneficed. It was a noteworthy circumstance that that Act did not pass without strong opposition from the Liberal party in the House of Commons. Horne Tooke very concisely stated the reason for the introduction of the measure when he said—

> "Deacons and priests have sat in Parliament for more than a century; but at last one got in who opposed the Ministers of the day, and Parliament determined there should be no more deacons or priests admitted among them."

It was also condemned by men of great weight in the House of Lords. Lord Chancellor Thurlow, in opposing the second reading of the Bill in the House of Lords, said—

> "It seemed very hard that a person once ordained, who from conscientious motives ceased to exercise any clerical function, should be told that he must not enter any other profession because his priestly character was indelible. But why should this indelible character disqualify a priest to sit in the one House more than in the other? The right reverend Bench opposite were very short-sighted if they supported the Bill, for it would speedily lead to the revival of the Act for their expulsion from Parliament."

That prophecy had not been fulfilled. At all events, not yet. There were Bishops in the other House. But, what was a still stronger argument, if a clergyman became a Peer he took his seat in the House of Lords; and he (Mr. Hibbert) was unable to see any difference between the functions of the one House and the other which should justify the exclusion of clergymen in the position he had referred to from the House of Commons. Again, it was the right of every Englishman to choose the man whom he might think likely to be the best representative; and if the electors chose to elect a clergyman they must take whatever disadvantages might result from the choice. But he was ready to admit that, as long as there was a connection between Church and State, there would be a difficulty in beneficed clergymen taking their seats in that House. A gentleman, who was himself in Holy Orders, and who, if this Bill passed, would probably take advantage of its provisions—he meant Professor Rogers—in an article on Horne Took, said—

> "The State in this country has carried, far beyond any assumption which the most despotic arrogance has ventured on, the annexation of an inalienable status to the members of a particular profession. It has affirmed, by this law, more than any Pope has ever asserted—the perpetual alienation of a civil right from a whole social order. The English law has deprived monastic vows of all validity, yet it has made an act of religion more absolute in its effects on the civil status of a man than any monastic obligation of the severest Roman rule."

There was, besides the 41st of *Geo.* III., the Municipal Corporations Act also, which excluded clergymen from becoming aldermen or town councillors, though it did so in different words. By the 28th section of the 5th and 6th of *Will.* IV., cap. 76, persons in Holy Orders, or Dissenting ministers having charge of a congregation, were excluded from municipal offices; but a Dissenting minister who had no charge of a congregation was allowed to undertake municipal duties. But why should a person in that position have greater advantages than a clergyman of the Church of England who had no cure of souls? Then there was another grievance with respect to persons who had been clergymen, but were called to the Bar. Since the Bill of 1862, any clergyman on relinquishing his calling, and signing a paper that he would not in future take any office in the Church, was admitted by the Inns of Court to the Bar. That was a great advantage; but what had been the consequence? Owing to the Act of 1801 a clergyman who had been admitted to the Bar, no matter how able or successful in his profession, could not sit in that House. That, he held, was an additional reason why the House should pass this Bill. There was another point of view which he wished to bring before the notice of hon. Members. When they considered the early age at which gentlemen were admitted into the Church—that a young man could become a deacon at 23 and a priest at 24—and that there were no less than 20,000 clergymen in the country, it was to be expected that some, after a time, either finding themselves unfitted for the calling, or conscientiously dissenting from the formularies of the Church, or from change of circumstances—having, for instance, inherited family property—would desire to become, as it were, laymen. With respect to those who might have entered the Church at an early age, and then found themselves unfit, would it not be better both for the Church and the nation that they should be allowed to go? And in the case of a change of opinion, the argument was much stronger. There were two such cases to which he could refer—namely, those of Mr. Clark, of Trinity, who was so well known as Public Orator, and Mr. Sedley Taylor. Mr. Clark, in a letter to his Bishop, said—

> "Slowly and reluctantly, but with irresistible force, and, as I feel, irrevocably, have I been driven to conclusiens incompatible with the declarations which I made at my ordination. Under these circumstances, I beg to signify my desire to relinquish the position of a clergyman, and to resume that of a layman. Whatever law may prevent me from doing this, I protest against it as iniquitous and immoral."

Mr. Sedley Taylor also, in 1869, wrote to his Bishop—

> "I was ordained deacon in 1862. A course of inquiry since undertaken has led me to form convictions very seriously at variance with the formularies which bind the consciences of the clergy. This being so, I relinquish, as far as in me lies, the ministry of the Church, though aware that I cannot free myself from certain disabilities attaching to the clerical office, notwithstanding the resignation of all its attendant advantages. I wish to draw attention to the anomalous and unjust state of the law affecting those who see fit to resign office in the Establishment."

The Bill proposed that a clergyman who desired to relinquish his calling might, on giving notice to his Bishop and executing a deed in Chancery, be relieved after six months from his disabilities, and also lose the privileges to which, as a clergyman, he might be entitled; and become, in fact, a layman. The principle of the Bill had been in operation in America in the Episcopal Church for 55 years, and he had not heard of any serious objections having been pressed against it during that long period. Upon the grounds which he had stated, he now asked the House to read the Bill a second time, believing that the effect would be to do away with a great grievance and to strengthen the Church of England—that it would be a blessing not only to those who were allowed to go, but to those who remained. He begged to move that the Bill be now read a second time.

MR. J. D. LEWIS, in seconding the Motion, said, he hoped that as his name appeared on the back of the Bill the House would allow him to say a few words in its support. His hon. Friend (Mr. Hibbert) had so thoroughly explained the state of the law on this question and the object of the Bill, that he need add but little to what had already been said. He was aware that Bills of this description, which proposed to deal with the grievances of a limited class of persons, were always open to the suspicion that they were the result of special agitation; but he could assure the House that, so far as he was concerned, no such influence had been exercised in this instance. The only persons at present prevented by law from ever holding a seat in that House, were persons convicted of felony, Scotch Peers, and persons who had taken orders in the Anglican Church or the Church of Rome. He did not propose to say one word on behalf of felons, or in regard to Scotch Peers, though he considered the position of the latter a very anomalous one. But he wished to know on what principle a legal barrier should be raised against the admission to that House of clergymen whom the constituencies thought fit to elect. He acknowledged that it would be very objectionable to admit to the House clergymen who continued to hold their livings, and if hon. Members looked back to the debate on Horne Tooke's Act they would find the law in question supported upon that footing. For instance, Mr. Addington said that when one-third of the livings were in the hands of the Crown it would be a very dangerous thing to admit clergymen into that House. But that objection would not apply to the Bill of his hon. Friend, because it cut off altogether clergymen who held benefices from coming into the House of Commons. If hon. Gentlemen opposite should take up the ground that where a person had deliberately adopted the office of teacher of religion he thereby irrevocably set himself apart from the laity, it would follow that they ought to extend the doctrine to Nonconformist ministers, or else maintain that there was something in Episcopal ordination which distinguished those who received it from all others. That was High Church doctrine, but it was not likely to obtain much favour in the House. Were not Mr. Samuel Martin, Mr. Newman Hall, and Mr. Spurgeon held in as much respect as clergymen of the Established Church? But, at all events, they were not held in less esteem because they were eligible for election to the House of

Commons, and, therefore, it could not be supposed that the Bill, which did not interfere in any way with Anglican Orders, would have the effect of lessening the esteem in which the Anglican clergy were held. It might be said that the liberty given by the Bill would lead to unfit persons entering the Church; but it should be remembered that, on the other hand, there was a probability that many persons who would be useful to the Church were kept out of it by the present state of the law. As the measure went in a liberal direction, and tended to do away with a separate ecclesiastical caste, he wished to give it his support.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Hibbert.*)

MR. SPENCER WALPOLE said, that when the Bill was first introduced he had taken occasion to indicate not so much certain objections to the measure, as certain safeguards that ought to be thrown around it. He had also pointed out that a Bill which affected the national Church in some important particulars ought to have the serious attention of the Government directed to it, that they might, on their responsibility, see that the measure was properly adjusted to meet the requirements of the case, and not to go beyond them. The right hon. Gentleman the Secretary of State for the Home Department would probably state the intentions of the Government with regard to the Bill, and it was with a view to suggest what points it might be necessary to consider in Committee that he (Mr. Walpole) had now risen. The two points which he wished more particularly to have considered were these—In the first place, with regard to the early part of the Bill, it was extremely undesirable that persons who took Holy Orders should do so lightly, unadvisedly, or as an experimental matter. Their minds ought to be well made up, and they should not undertake the office with the idea that they might easily get rid of it. Secondly—and this applied to the end of the Bill—when a person had once entered into Holy Orders, and had served the Church in that sacred character, there might be reasons which no doubt might induce him to take up some other calling; but, if he did so, he ought not to be chopping and changing about. He did not wish to see the services of ministers of religion acquire more or less of a professional character, and that they should be allowed to change about from one occupation to another, according to the profits or advantages of the experiments they might make. The hon. Gentleman himself (Mr. Hibbert) did not intend to deal with the question of the indelibility of Holy Orders, and therefore there was no need to enter on that subject. There was, however, an important matter to be considered in connection with the first portion of the Bill. The reasons for the measure were contained in a Memorial which had been presented to the right hon. Gentleman at the head of the Government. Some of those reasons were strong; others not so strong as it was desired they should appear to be. The last of the reasons assigned by the memorialists was, that the present state of the law with regard to the clergy of the Established Church was one of the causes why there were fewer candidates for admission to Holy Orders. He would like, in passing, to correct that notion, which was gaining ground in the minds of several people. On comparing the Ordinations for the last three years with those of 1852, it would be found that this diminution was not going on. In 1852 the total number of persons admitted to Holy Orders was 541; in 1867 it was 590; in 1868, 599; and in 1869, 597. He had merely given these figures, from carefully prepared Returns, for the purpose of clearing the way. He would now advert to two other reasons. The first referred to the pamphlet of Mr. Clark, which went to show that it was unadvisable to retain in Holy Orders persons who had conscientiously changed their views. On that point he would say, that such persons ought to be dealt with in the most just, charitable, and liberal manner. Therefore, instead of holding them to the duties of their profession, he thought they had better be exempted from compulsion, or any attempt at compulsion. With regard to the reason that persons going into Holy Orders at an early age might not be able to grapple with all the difficulties which might afterwards occur to their minds, his answer was that they had better not enter the profession until they had given the matter a better examination. Any inducement offered to persons to go into such a profession, with a knowledge that they could afterwards release themselves from it, ought to be altogether avoided. There was much truth in the observation made by Tertullian in the 2nd century, long before Councils were heard of—but which was as true now as it was then—that it was felt by Christians to be the greatest reproach to persons exercising the priestly office in other religions that they were one thing to-day and another thing to-morrow. He had no doubt that his hon. Friend's (Mr. Hibbert's) complaint was well founded—that disabilities had been imposed on the clergy contrary to that which was formerly the law of the Church and the law of the land. The return of Horne Tooke to that House had occasioned the passing of the statute 41st *Geo.* III., previous to which there was nothing whatever to prevent an unbeneficed clergyman from taking part in the business of the House of Commons, any more than clerical Peers from taking part in the business of the House of Lords. He did not object to remove that disability, but it was very unadvisable that a beneficed clergyman should come into that House—because he was bound to give all his time, and his whole life, to the duties of his profession. With regard to municipal disabilities, he could see no reason why an unbeneficed clergyman should not be a member of a civil corporation. He believed, however, that a simple repeal of the Act of Geo. III., guarded, at the same time, by certain limits and restrictions, would be a better course than the passing of a measure which might give clergymen encouragement to go into some other calling. These were the reasons which induced him to say that the Government ought to watch this Bill with considerable care.

SIR LAWRENCE PALK said, he thought the Bill involved a principle which it was most undesirable should be tolerated in the legislation of this country. As things at present stood, there were too many facilities afforded to young men to enter the Church; and this Bill, by enabling clergymen to escape from the bonds of the Church, should they find them too onerous, would hold out a greater inducement than ever to young men to make the Church their profession. He could not believe that the House had any right to release from their vows those who had deliberately and of their own accord taken the most solemn oaths, and bound themselves by the most solemn obligations, to devote themselves to the service of God. A more objectionable measure had never been introduced into the House of Commons. The 9th clause required particular attention.

MR. BERESFORD HOPE admitted that there was a case calling for legislation, and so he would not oppose this stage of the Bill; but he did not think it, as it stood, a complete, broad, and fair measure of relief. While the Bill paid infinite regard to the case of those clergymen who, from conscientious scruples, did not wish to continue to be clergymen, it overlooked the case of those who, from family circumstances, had, since they took Holy Orders, been placed in a social position, carrying with it duties and responsibilities of citizenship which they felt themselves to be under the most sacred moral obligations to fulfil. He referred to a class of men who were the heads of families, the stewards and dispensers of a large property, but who would feel a great and natural repugnance to forego their position as clergymen capable of performing voluntary pastoral duties. While continuing to be clergymen they were fit to be leaders of men, legislators, and municipal officers. No doubt the Bill was intended, by its framers, to avoid the question of the indelibility of Orders; but if it did so, it was by a cumbrous process. Individually, he believed in that indelibility; but he spoke both for those who did and who did not, when he claimed that Parliament ought not to embarrass itself with the controversy. He preferred that, without attempting to deal with Holy Orders, they should simply give relief from civil disabilities, extending that relief freely and impartially to all clergymen charged with the cure of souls, either as incumbents or curates. For those that were, he should continue the existing disabilities. They would accordingly only affect "Ministrations," and leave "Orders" unaffected. The "squire-parsons" were a class of great weight and often of great usefulness in their neighbourhoods, and might combine with all the best characteristics of a country gentleman the best characteristics also of a priest, giving their help to their brother-clergymen freely and without price when such help was sorely needed. That was a worthy class of men, and he wished to see them relieved. He need hardly say that he wished the relief to be impartially extended to priests of the Church of Rome, under similar conditions. If, however, it were extended to all, the ultimate effect of legislation might be to give them a Bench of Bishops in that House as well as in the other, and the constituencies of the sister country might be found returning the chief pastors of the respective dioceses. On one point he must differ from his right hon. Colleague. He did not object, under proper reservations, to the clause of the Bill which allowed clergymen to resume their sacred functions after having for a time discontinued to exercise them. If a clergyman in his youth, from a temporary pique, or from a fit of despondency, or from want of sufficient study, conceived that he could not discharge his duties as a minister, and if after years of patient thought his scruples were removed, his doubts cleared up, and, perhaps, his moral nature strengthened and his religious convictions deepened, it would be a most unfortunate thing that he should be condemned for life to an unnatural position of inutility, and left perpetually out in the cold. The cases of two distinguished clergymen had been brought under his notice, who had both left the ministry of the Church of England, one of them from doubts in the Romanizing, and the other from doubts in the contrary direction. Both these gentlemen, on more mature thought, had been satisfied, and were now again doing good work as clergymen of the Church of England; and yet both of them—supposing them to have taken advantage of this Act, had it existed—ought, according to his right hon. Colleague, to have found the portal of return barred against them. A provision of some kind which would enable such men to return to the ministry of the Church ought not, he thought, to be omitted from the Bill if it was to be passed; and he trusted his right hon. Friend (Mr. Walpole) would not press his opposition to that part of the measure.

Mr. BOUVERIE said, he agreed with his hon. Friend (Mr. Beresford Hope) that it was desirable to keep open a door by which clergymen who, from conscientious scruples or other reasons, had left the active ministry of the Church, might return to the discharge of their sacred functions with advantage to themselves and to their flocks. One of the very gentlemen at whose instance he himself brought in a Bill on that subject eight years ago, and who had then severed his communion with the Church, had since returned to the ministry in a populous town, where his labours met with great acceptance and success. On another point, however, he entirely differed from the last speaker. A most valuable part of the patronage of the Church was in the gift of the Crown; and were they to have clergymen without cure of souls coming into that House, some of them being men of great weight and eloquence, aspiring to the highest position in the Church and to the favour of a Minister, and then accepting benefices, perhaps bishoprics, and going back into the Church because they had distinguished themselves in the arena of that House? The scheme of the hon. Gentleman who spoke last was, therefore, open to insuperable objections. He (Mr. Bouverie) was specially situated with respect to this question, because he believed that he was himself the only Member of Parliament in the present generation who had ever been opposed by a clerical candidate. At the last Election he had as a competitor a clergyman of the Church of Scotland, who, equally with the clergy of the Church of England, was excluded by law from a seat in that House. That gentleman possessed great powers of speech and indomitable industry; he showed a great deal of ability in the course of the contest; he made very large promises of what he would do for the benefit of the community and the world at large if elected; and he persuaded something like 1,000 of the constituency to vote for him. He (Mr. Bouverie) saw no reason why such a man, if able to satisfy a constituency that he was fit to represent them, and if willing to abandon his sacred profession, should not sit in that House. Practically, as was well known, they had now in that Assembly Gentlemen who were still or had been ministers of Nonconformist Churches. He did not understand why a minister of the Established Church of Scotland—a body, after all, including only about one-third of the Scottish people—should be excluded from that House, whereas a minister of the Free Church, of the United Presbyterians, or any of the other Dissenting Churches, was unrestrained by law from entering it. There were two or three ministers of the Free Church, men of conspicuous eloquence, who, if they abandoned the clerical profession, would be no doubt also of considerable statesmanship, even in that House—for example, Dr. Candlish and Dr. Guthrie. Then, as to Roman Catholic priests, they were by name excluded from seats in that House; but if clergymen of the Church of England were relieved from those disabilities, and there was to be perfect religious equality between different sects, it would be very difficult to maintain the exclusion of Roman Catholic priests, however undesirable it might be thought that they should sit there. That was a question of the right of the constituencies to elect those men. In 1849 he attempted, at the instigation of Mr. Shore—then shut up in gaol by the late Bishop of Exeter, becaused he disobeyed the Bishop and ministered in a Dissenting chapel, contrary to the injunction of his Diocesan—to relieve clergymen from their disabilities; but his Bill failed. In 1862 he renewed the same attempt with the same result. His measure was differently constructed from the present one, which he was bound to say was superior to his. There were two classes of clergymen who wished to abandon their profession—namely, those who had changed their opinions, and those who had changed their mind. His own Bill simply related to the former class, whom he required to profess solemnly that they dissented from the doctrine and discipline of the Church of England, and then they were to have been relieved from those civil disabilities. Undoubtedly that was open to the very strong objection, that those who had changed their mind but not their opinions had a great inducement held out to them to say they had changed their opinions, although they had not done so. It was a sort of temptation or bribe offered to a man to make him say he had become a Dissenter, in order to be released from the obligations of the ministry. His hon. Friend (Mr. Hibbert) had gone on a better line of legislation, by proposing to relieve not only those who had changed their opinions, but also thosewho had changed their mind and purpose. Who would say the opinions honestly professed on matters of any importance, and still more on matters of the very highest importance, by a clergyman of 24 years of age would be precisely the same—if he thought at all on those things—when he reached 40 or 50? It was a cruel hardship to tell a young man aspiring to enter the sacred profession that he must subscribe a vast number of theological and dogmatic tenets, and teach them to all who came under his ministrations, and to insist that, even after years of experience and study, if he saw reason to believe that he had formed a hasty judgment and then changed his opinions, there should be no escape for him, no other occupation for him to pursue—that he should be a galley slave, chained to the bench, and liable to all the pangs of conscience that must assail an honest man who doubted the truth of the doctrines he had to teach. In conclusion, he thought his hon. Friend deserved the thanks of the House and the public for raising that question again, and affording those persons an opportunity of escaping from a service which they could no longer conscientiously perform; and he agreed that it would be greatly to the advantage of the Church that this change should be made, because the want of it tended to cast upon the body of the clergy the stigma of insincerity.

MR. NEWDEGATE observed that there was one point, which had been suggested during the debate, that touched the principle upon which the present law regulating the constitution of their House proceeded. Clergymen were supposed to be obedient to the orders of their superiors, and that what they had promised in this respect would regulate their consciences. He (Mr. Newdegate) did not attach any importance to the Roman Catholic interpretation to Holy Orders—he did not hold them to be a sacrament. Still, in the Church of England, entrance into the clerical profession was accompanied by oaths and vows, deliberately taken, and for which the candidates were prepared by education, binding them to obey their superiors. In the Roman Church Clerical Orders were held to be indelible, and the obligations entailed by these Orders were far more stringent; they were being vastly enlarged by the present action of the Papacy. He knew that hon. Gentlemen opposite thought that they could afford to disregard the action of Rome in this matter; but they must know that it was a power which was increasing over the majority of the House. ["No, no!"] He put it to hon. Members, whether an approximation was not being made every day towards placing the Church of Rome upon a par with the Church of England? Now, how had this been brought about? At the very time when the Church of Rome was proclaiming intentions most adverse to Liberal views, when those intentions were protested against by every Roman Catholic Government, hon. Members opposite were, step by step, giving further means of influence to this body. If they admitted the clergy of the Church of England to the House, it would be asked that they should admit the clergy of the Church of Rome also, and were they prepared to do that? He contended that the limitation existing was necessary according to the constitution of the House. He (Mr. Newdegate) admitted that the constituencies should be free to elect whomsoever they chose to become Members of that House, with one limitation, which was essential to the freedom of the House itself, and that limitation consisted in the qualification that no one should sit as a Member of that House, who was not free to act according to the unfettered dictates of his own judgment and conscience in that House. Every Member who entered the House was bound to guide himself according to the best of his individual judgment; but if the judgment of a man were surrendered to another then he was not fit to be a Member of the House. Step by step the House was being persuaded to disregard the restrictions which, at the time of the Revolution of 1688 and subsequently, were found necessary to guard the freedom of the country against the despotism of Rome. This restriction against the admission of clergymen, either of the Church of England or of the Church of Rome to that House, was one of the measures adopted to prevent a recurrence of the attempt made by James II. to establish a despotic form of government in this country, to which attempt he, being a Roman Catholic, had been impelled by his clerical advisers, who belonged to the Church of Rome. Hon. Members treated history like an old almanack, and assumed that our ancestors were not persons of common sense. If restrictions were necessary in the time of James II. why were they unnecessary now, when the Papacy was imposing on priests wider obligations, to such an extent that every Roman Catholic Government objected? He asked the House to condescend to consider the political opinions of the rest of the world. In France there had been a strong desire manifested for constitutional government, but it had been refused, because they were not fit for constitutional government. And why? Chiefly from the difficulty interposed by the action of the Roman Catholic priesthood. He was told that in France they were on the eve of a reformation in their Church; but at present constitutional government was prevented by the action of the Papacy through the clergy. In that objection was the foundation of the law that they were asked to abrogate. He entreated the House not to treat the circumstances that were occurring abroad, and the opinions of Europe, with the contempt that they had hitherto manifested; for they would afford counsel, guidance, and warning for them, when they proposed to change the fundamental organization which had been found necessary for the maintenance of free institutions.

Mr. BOUVERIE explained that he had not meant to say that the Bill before the House would admit the Roman Catholic clergy to that House.

Mr. HENLEY said, that this Bill dealt with a very important subject, and, according to his humble judgment, in rather a strange way. He was one of those who had been accustomed to think that the ministers and officers of the Church to which he belonged had—under forms perhaps the most serious that man could go through—taken upon themselves sacred obligations from which they had no power to free themselves. Now, in what position did the Bill propose to place a clergyman of the Church of England? Assuming that a clergyman had no prosecution pending against him, at the end of six months he might free himself, according to this Bill, from the obligations which he had taken upon himself. At the end of another six months, if it so suited him, and it also suited any Bishop or Archbishop, he might resume his office. Would this be a decent state of things? Let him assume the case of a clergyman who wished to have six months' hunting. He would give six months' notice under this, and at the expiration of that period he would be at liberty to put on a red coat, and to do everything that people who wore red coats usually did. And when the hunting season was over he might revoke and secure a position for himself during the season in London by again changing his coat and becoming a popular preacher. This was the state of things that the hon. Member—the Junior Member for the University of Cambridge (Mr. Beresford Hope) would agree to perpetrate, and why? Because he knew that a deeper matter lay beneath, and in this circuitous way he hoped to secure the indelibility of Orders. Could anything be worse for the position of the clergyman than that he should be allowed to put off his sacred office for one six months and resume it the following six months, and so on alternately? In what estimation were clergymen in such a position likely to be held by their congregations? This Bill would, perhaps, satisfy the wishes of a few persons who were anxious to be relieved of the disabilities under which they at present laboured; but another matter of considerable weight was this—that if they admitted one set of men who had taken Orders to the House, they must admit all. The Bill would allow persons who had received Episcopal ordination to release themselves at their own pleasure from the bonds of the Church; and such persons might then set up an independent Church, and at the same time retain all the authority of their Orders. He could not think that a desirable state of things. Every man should have a right to withdraw from any community with which he could no longer conscientiously agree; but he should not have the right to carry with him the power and privileges which attended upon Episcopal ordination, and then to turn those advantages to account in attempting to overthrow the Church from which he derived them, and from which he had withdrawn. He thought the Bill bad in every respect, and if no one else went into the Lobby against it, he should do so.

MR. BRUCE said that, with the exception of the right hon. Gentleman who had spoken last, and the hon. Baronet the Member for East Devon (Sir Lawrence Palk), there had been on the part of the House a general recognition of the justice of the principles upon which this Bill was founded. It had been felt by everybody, except those hon. Members, that to hold a clergyman of the Church of England bound by all the disabilities of a vocation after he had changed it, or to give him strong motives to remain in it after he desired to change it, was neither politic nor advantageous to the Church. The hon. Member for Cambridge University had suggested an alternative plan to that proposed in the Bill on the ground that vows solemnly taken should not be lightly changed, and that it was of the last importance that the duties of a clergyman should not be taken up at one time and abandoned and resumed at pleasure. It appeared to him, however, that the plan of the hon. Member would be far more productive of the evil to which he had referred than the plan proposed by the Bill now under discussion. What he understood the hon. Member to propose as an alternative plan was that the clergyman should be relieved from the disabilities which had been imposed upon him by the 76th canon, which prevented him from applying himself to any secular employment, and from those imposed upon him by Horne Tooke's Act and by the Metropolitan Corporations Act. If such a plan were adopted, what would prevent any clergyman from giving up his curacy and taking to secular employment for a time, and again returning to the cure of souls? So long as the clergyman retained his Orders, there could be no difficulty in the way of his resuming his cure. Under these circumstances, it appeared to him that the plan of the hon. Member facilitated the abandonment of the sacred calling for a time and its resumption at the will and pleasure of the individual. The great recommendation of the Bill was that under it this step could not be taken without a very solemn form being gone through, or without the lapse of considerable time. It was provided in the Bill that the clergyman should only be permitted to resume his sacred office by a solemn act, and even then not at his own will and pleasure, but after the question had been fully considered by his Archbishop, to whom the Bill gave a discretionary power to restore the clergyman if he should think fit. As at present advised, therefore, he thought that the plan proposed by the Bill was better than that of the hon. Member opposite. It had also been suggested that the Bill was not wide enough—that it should be extended not only to clergymen, but also to those Bishops who had not seats in the House of Lords, and to Roman Catholic priests. He saw no objection to the Bill being extended so as to include Colonial Bishops. The question, however, with respect to Roman Catholic priests was a very different one. The principle of the Bill was that no clergyman who had entered Holy Orders could put aside his sacred office without making a solemn declaration. Assuming the plan of the hon. Member opposite adopted and applied to the priests of the Roman Catholic Church, he presumed that there would be nothing to prevent them from entering Parliament in the same manner as any clergyman of the Church of England might do under it. This Bill, however, was founded upon a different principle; and it appeared to him that great discretion had been shown on the part of those who had drawn the Bill by omitting from it all mention of the Roman Catholic priests, leaving the question to be considered separately by the Roman Catholics themselves. It seemed to him that Roman Catholic Members should consult with the heads of their Church as to whether they should propose a scheme by which their priests should be admitted to the House. On the whole, therefore, he was prepared, on the part of the Government, to give his support to the second reading of the Bill; but, at the same time, he must observe that there were many points connected with the subject which required careful consideration, and therefore he trusted that the hon. Member who had charge of the measure would give the House ample time for considering the Bill before any future stage was taken.

SIR. HERBERT CROFT said, that in his county (Herefordshire) there were twelve clergymen holding large properties, and seven of them voted for him. He believed that none of those seven wished for any alteration in the law. He should vote against the Bill.

MR. ASSHETON CROSS said, he was anxious that the statement of the Secretary of State for the Home Department that there was almost no opposition to the Bill in that House should not go forth to the country uncontradicted. For his own part, he was strongly opposed to the measure, and he knew that there were many hon. Members who equally objected to it. The majority of the clergy of the division of Lancashire that he had the honour to represent (South-west) also objected to the proposed change. It was quite clear that the Government themselves had not made up their minds with respect to the Bill, or else they would have given forth a more certain sound upon the subject than that which had been conveyed by the remarks of the right hon. Gentleman the Secretary of State for the Home Department. He should vote against the second reading of the Bill; and if it were carried he should move, on a future occasion, that it be referred to a Select Committee.

Question put.

The House *divided*:—Ayes 137; Noes 56: Majority 81.

Bill read a second time, and *committed* for *Tuesday* 14th June.

GAME LAWS ABOLITION BILL

(*Mr. Taylor, Mr. Jacob Bright, Mr. White.*)

[BILL 73.] SECOND READING.

Order for Second Reading read.

MR. P. A. TAYLOR, in moving that the Bill be now read a second time, said, that when a law stood condemned by public opinion—whether because it was bad in itself, or because by change of times and circumstances it had lost all fitness and appropriateness, the truly Conservative policy with regard to it was to abolish it at once, and not to attempt to prop it up by feeble compromises. In that sense he claimed for his Bill that it was a Conservative measure. There was a sense, too, in which he believed it was a moderate measure. It would not only cut off excesses—battue shooting would die, and the occupation of the poacher would be gone—but it would establish all over the country just such a state of things as existed now in those parts where the cultivation of the land was highest, and where the relations between landlord and tenant were on a satisfactory and proper footing, and where game was not too extensively preserved.

It was said that this was not a subject to be taken up by a private Member, and that a subject of such importance should be dealt with by the Government. But, looking to the present position of public affairs, he ventured to differ from that doctrine. There were two ways of dealing with this question—an effective way and a useless way; and he had no right to suppose that the present Government, strong as it was, pressed upon by so many other measures would provoke the hostility of the landed proprietors on both sides of the House by bringing in a thorough measure. But, seeing that the Government was a Liberal Government, and derived a large part of their strength from the support of Scotch Members, who were returned in part on the question of the Game Laws, he had an equal right to expect that they would not bring in an useless or ineffective Bill. Look at the composition of the Government. They had among their numbers also his right hon. Friend the President of the Board of Trade, whose absence he deeply regretted, and who had made the abolition of the Game Laws his peculiar object; and they had also the present Lord Chancellor, who had declared that the Game Laws should be altogether got rid of. But the Government had taken a course which he did not think they would have done, and which he deeply regretted. He did not propose to criticize the Game Bill which had been introduced by the Lord Advocate; indeed, if he might say so without disrespect, it was below criticism. [“Oh, oh!] It might certainly be said to be beyond the reach of criticism when it had been contemptuously rejected from one end of Scotland to the other by everybody except the Commissioners of Supply. Any measure which gave no security for the diminution of the head of game, and which proposed to leave the settlement of the question to be arranged by contract between landlord and tenant, was a mockery; and anyone that congratulated the Scotch farmers on the prospect of their being put by this Bill on the same footing as to Game Laws, which in England had proved utterly ineffective, was guilty of an insult to the farmers of Scotland. This was not a party question in the ordinary sense of “Whigs” and “Tories”—it was the question of justice against injustice, and it might yet become the foundation of a new division of parties—the party of the Landed Interest and the party of the Farmers' Friends. He had a letter from a Scotch farmer, who said that Sir William Maxwell told them the other day, at the dinner given in his honour at Perth, that Mr. Henley, one of their most trusted leaders, saw the coming necessity for household suffrage before anyone else, and that he (the farmer) trusted some other far-sighted statesman—Mr. Henley himself or Mr. Disraeli—would discern the coming necessity for the abolition of the Game Laws, and once again “dish the Whigs;” in which case the farmers of the country would support them. The system of the Game Laws was condemned equally by judicial, philosophical, and philanthropical authorities. Blackstone forgot his Toryism and his stately periods in the vehemence with which he denounced the Game Laws. Jeremy Bentham put the case in a few plain words when he said—

> “I sow corn; partridges eat it: if I offend against the partridges I am sent to gaol for fear that the great man who is above sowing corn should be in want of partridges.”

The Rev. Mr. Fraser, now Bishop of Manchester, was sent down to report upon the employment of women and children in country districts—he was no demagogue—he was not sent down to inveigh against the gentry, or to set class against class:—yet he was so struck with the evils of the Game Laws that he was compelled to interpolate, as it were, a condemnation of the Game Laws into his Report. The majority of the Committee that sat on Mr. Bright's Motion admitted the evil of the Game Laws, but they suggested no remedy; and the only result of their labours was that shameless law, passed a few years since, which authorized a policeman to stop a man on the highway without a warrant, and search him for game. That was contrary to the spirit of the Constitution—but what was the Constitution when put in comparison with the Game Laws! It was said that mercy was twice blessed; but the Game Laws were three times and four times the reverse of blessed. They were a curse to the tenantry and they were a curse to the landlords, who, but for the temptation of sport, would regret the hatred, malice, and obstruction that had taken the place of the former mutual affection and respect. William Howitt, a writer whose sympathies were more with country than with town life, said no one who had not lived on a game-preserving estate could tell how strong was the spirit of the feudal ages there, where a man could scarcely venture to call his soul his own. Mr. Grey, of Dilston, himself an excellent practical farmer, said that to protect the game as was now done was a remnant of feudalism. Bad as the former system was, the modern practice of battue shooting had aggravated them ten-fold. William Howitt said it was butchery that had usurped the place of sport—that the fields were but another name for slaughter-houses and shambles, and that they would wear an air of insanity if the profits of the market were not visible in the rear. Two or three years ago the actors in this sport paraded their doings boastfully before the world; but of late a hint appeared to have been given that the sport, if enjoyed at all, had better be carried on more privately. But there was a statement in *The Field*, in December, 1868, to the effect that 11 gentlemen had met in Suffolk, and in five days had brought down 8,345 head of game, of which 4,077 were hares and rabbits. That was equal to about 11 tons of game, or one ton per head. In such a case sport was out of the question—it seemed to him that the best course of teaching for such sport would be an apprenticeship to a butcher in Leadenhall Market. Let the House but consider what a waste of food these battues must occasion when all the animals slain had been reared on the most precious food of the people. Another very serious consideration was the extent to which the Game Laws interfered with the administration of justice in the rural districts. It made the game preserver a judge in poaching cases, and there could not be a greater evil than when the same man had to act as prosecutor, judge, and executioner. A friend of his, a justice of the peace, wrote to him that next to a Jamaica court-martial, no mockery of justice could be conceived greater than that of game-preserving squires setting to convict a poacher on the evidence of a gamekeeper. It was said that gentlemen retired from the Bench when their own cases were to be heard. Could there be a greater mockery? Suppose four game preservers, A, B, C, and D—when a poacher was brought before the Bench for poaching on A's preserves, A magnanimously retired, and his brother preservers proceeded to do justice on the delinquent—probably on the principle that we should do unto the poacher on another man's land what we would others should do unto poachers on our own land. He must not be supposed to condemn the gentlemen of England — he condemned Englishmen for having suffered such things to continue—he believed that there was no class of men who would have suffered so little deterioration under such a system of anomalies and inconsistencies as the English gentlemen. Then the Game Laws were unquestionably a curse to the tenant-farmers. It was unnecessary to prove it—it was so by universal admission. ["No, no!"] It was proved by the number of Bills introduced into Parliament on the subject. The tenant-farmer was placed in a most anomalous position. When he took a farm he was compelled by his contract to keep a number of wild animals, which he was to support and pay for, while the quantity and disposition was at the pleasure of his landlord. What the effects were depended on the quality of the land, the crops, the season, and the character of the landlord—so that there was a constant element of uncertainty — a certain amount of gambling was introduced into the cultivation of land. Another great evil of the Game Laws was its tendency to knock out the class of small freeholders; for there was nothing so obnoxious to the game preserver as a little freehold oasis in the middle of his vast estates. Now, the rural police had been converted into gamekeepers, the farmer had first of all to maintain the game, next to preserve it, then to pay the expense of prosecuting for it, then to pay the cost of imprisoning the offenders, and lastly to maintain their families while they were in gaol. As to the assertion that the farmers were compensated for the damage done by game, it was not worth entering into; compensation was seldom asked for, it was impossible to estimate the damage, and it was insufficient in amount. Mr. Grey, of Dilston, said, that when arbitration had been resorted to he never saw the farmer get one-half of what he was entitled to. But his great charge against the Game Laws was not that they were the curse of landowners and farmers, but that they were the curse of the English labourer.

Whatever diminished the profits of the farmer diminished the wages of the labourer; but most of all was the temptation to crime that they continually placed before him. Many a man who commenced by breaking the law of the land—for no man pretended that poaching was anything but a law-made crime—ended by breaking the law of morality. You punish him for a law-made crime, and the next thing he does is to commit a moral crime. You made your gamekeepers, too, an anomalous class—a sort of hybrid class, something between a spy and a gendarme. As to the convictions under these laws they were yearly increasing. In the year 1843 Mr. Bright based his indignant opposition to those laws upon the astounding fact that there had been in that year 4,529 convictions. Between that time and the present the number of convictions had more than doubled. In 1843 it was 4,529, in 1869 it was 10,345, whereof 806 were convictions owing to the Bill of 1862. Then, as to the national loss arising from the Game Laws—the loss of food to the people and consequent rise of prices—this was very difficult to estimate, and in what he was about to state he did not pledge himself to accuracy. It was stated before the Committee of 1845, by Mr. Gayford, a Suffolk farmer, he found that in 6 weeks 12 rabbits consumed 68 stone, value 18*s.* 2*d.*, and 2 sheep 45 stone, value 13*s.* 9*d.* Mr. Philippo, a Norfolk farmer, found that 4 rabbits consumed as much as 1 sheep, the sheep increasing in weight seven times as much as the 4 rabbits. Mr. Beck, of Congham, the principal land agent in Norfolk, was of opinion that one hare did more damage than would maintain one sheep. The other day a Mr. Clark, on making a speech in Aberdeenshire, said that the loss in that county in feeding rabbits, as compared with sheep, after deducting the weight of the rabbits' flesh as food, plus the value of their skins, was 2,033,910 lbs of meat. The loss by hares was taken by him at 1,356,056 lbs weight of meat; the loss by grouse at 190,000 lbs; and the loss by deer at 267,666 lbs; making together 3,847,632 lbs loss in meat, which he estimates at not less than £150,000. The loss for all Scotland was estimated on the same authority at 24,000,000 lbs weight of meat, and the money loss in Great Britain at £8,320,000. He (Mr. Taylor) had seen another statement, in which the total amount of loss was estimated at £15,000,000. His object was to show that the loss was, at any rate, enormously great. He must now say a word to show the national disgrace that sprang from these laws. A game preserver sent out bands of myrmidons, armed with cutlasses, guns, and flails to fight with the men who pursued wild animals; there was a species of warfare between the keepers and the poachers, in which strategy was not wanting. He read the other day that a party of gamekeepers encountered a party of poachers in a wood, and showed such excellent tactics that they gradually drove them up a tree and then shot them down. [*Laughter.*] There were regular lists of killed and wounded. In 10 years 42 gamekeepers had been shot, and numbers of poachers killed and wounded—to say nothing of the 10,000 prisoners of war shut up in gaols. An even more shameful element was that poachers were hunted down with dogs, as were formerly the Maroons in Jamaica or the slaves in South Carolina. Here was a case which happened only last February—

> "On Sunday morning, a gamekeeper in the service of Lord Forester, at Trowbridge, meeting a little boy in the preserved grounds, set upon him a ferocious dog, which he led muzzled. The lad fell on his face and folded his arms round his neck to protect himself, but the dog, seizing him by the back of the head, bit him in a shocking manner. Lord Forester has sent £5 to the mother of the lad by way of compensation."

These, then, being the evils of the Game Laws, what was the root of them? He believed it was clearly and unmistakably the over-cultivation of too great a head of game—of wild animals. And how was that to be stopped? By repealing the laws by which those wild animals were protected. It would probably be urged by those who took a philosophical view of the matter, that all wild animals had their uses in the economy of nature, and that if you were to repeal these laws, all wild animals would be swept off the face of the country. But he did not see why, if a modified protection were required, a modified protection might not be given. There was always a certain relation between the numbers of wild animals, and the supply of food for them, and there needed no artificial laws to interfere with them. Then as to the Game Laws of foreign countries. The noble Lord the Member for Haddingtonshire (Lord Elcho) had said that there existed in every foreign country Game Laws similar to our own. This was a mistake. Laws for the protection of wild animals no doubt existed in foreign countries; but they were not always with the same object as our laws, and did not produce the same results. In France the old Game Laws perished in the Revolution of 1789, which they did so much to evoke; the Game Laws of France now existing were passed in 1844, and, by them, to shoot without permission on another's estate is an offence. In Germany the old Game Laws perished with the Revolutions of 1848, which found their support among the peasantry in great measure in consequence of those intolerable laws. In Prussia there were no Game Laws. In the United States, taking the State of Massachusetts, the laws for the protection of wild animals were almost Draconian—they applied even to sparrows. But these laws were not like ours, for the benefit of an aristocracy of landowners, but were democratic or scientific. Such as they were, however, the convictions under them were almost *nil*. Then, as to the remedies that had been proposed. One, which had been received with some degree of favour, was to make game private property. But that, in the first place, would not meet the case, because it did not provide for the protection or destruction of wild animals; and it made no difference to a man whether you imprisoned him as a felon or a poacher. In the next place, you would be creating a new and indefensible principle of law. It was agreed by all jurists that there could be no property in wild animals—the property in them arose from reclaiming and domesticating them. If they adopted this principle, the farmer would be the largest gainer, for he was the largest sufferer under the existing system. As to the loss of sport to the landlord, he (Mr. Taylor) was as fond of sport and pleasure as anyone; but he paid for it as he had it. But the landlords had not been content with the pleasure of sporting; they had made of late years large profits from the game. There was one in Suffolk who boasted of being able to let his preserves for £9,000 a year. ["Name!"] Lord Stradbroke. It had been stated in that House by an hon. Member that he knew of land which was let in 1824 for £160 a year, but which now brought £3,000 a year. But it was not to the pleasure or the profit only that they must look. The landlord did not even pay the cost of his own game. Where game existed the rates had been levied not on what the land would have been worth had it been used for production instead of for game, but at a lower rate. Another proposal had been made in respect of ground game, by increasing the stringency of the trespass laws. But that would not diminish the real evils of the Game Laws, because it would only protect the animals in another form and by another system of legislation. If game was not to be killed, it did not matter whether the man was punished as a felon or a trespasser. But it was apt to raise a smile when you talked of the damage done to a farmer by a man getting over his hedge or his gate. Why, they knew very well that 50 or 100 men at a time rode over his fields after the foxhounds, and did more harm in five minutes than all the poachers could do during a tenancy. There was another matter to which he would allude in respect of ground game. It was said that in Scotland the farmer would be ruined by the ground game, if he was not permitted to kill them. Well, where permission had been given in England how had it operated? Why, on Lord Derby's estate "fur," says a sporting writer, "was so plentiful as to embarrass the dogs; 100 hares starting up at a time." Now, the very aim and object of his Bill was to compel the landlord and to permit the farmer to abandon the over-preservation of game. If they had not the wisdom to do so, they would only call into compensation the poacher—or, as he would rather call him, the slayer of wild animals. *Punch* had called him (Mr. Taylor) "the poacher's friend:" he believed, however, that the poacher did not see it in that light—he knew that if the game was reduced upon the land, his occupation was gone. Neither would a law extending to ground game only, be an effective measure. Pheasants, as they had abundant testimony, destroyed vast quantities of corn and turnips. "Partridges and pheasants," said the Bishop of Manchester, "corrupt and demoralize the virtue of the labourer." By process of exhaustion, therefore, said the hon. Member, I fall back upon my Bill, which I believe is the only possible, simple, moderate, and complete one.

And now, in conclusion, I venture to say that the Bill which I have the honour to ask the House to read a second time is in my earnest conviction a measure of simple justice, and it is also in my earnest conviction a measure of inevitable necessity—it is a question of time—of to-day or to-morrow. I venture to appeal to the House to deal with this question in a large and comprehensive spirit, and I venture to appeal to the landed Gentlemen themselves, and to ask them to do now what can be done with some grace as a satisfactory settlement, rather than attempt to prolong a struggle the continuance of which must be mixed up with much of hatred and distrust, and which will tend to increase the already sufficiently lamentable difference between the interests and sympathies of various classes of our people.

MR. DICKINSON said, he had no great sympathy with either poachers or preservers, and he seconded the Motion in the interests of the community at large. In the first place, he complained of the injustice of permitting a landlord to enter upon land which was for the time being the property of the tenant, and of the further injustice of compelling a tenant to preserve, by making him not only liable for damages to his landlord, but liable also to be fined by the Queen for killing that which destroyed the fruits of his labour. He contended that the tenant should be allowed to kill an excess of game, and that the onus should be on the landlord to take action and prove that the preservation of game was not excessive. To the argument that the Game Laws were based upon the right of free contract, and that the Bill would be an interference with that right, he replied that the law already interfered with him as a landlord by preventing him from killing game at certain seasons of the year. Such interference was justified only on grounds of public necessity, and he doubted whether the law against killing game except when in season could be so justified. Parliamentary interference in the case of salmon was justified by the fact that the salmon stream was the property of a number of proprietors; but game did not, as a rule, migrate, nor could game be regarded as an important article of food; certainly it could not be said to be at any time unseasonable, for the pheasant very much resembled the barn-door fowl, which was eaten all the year round. The Act for preserving sea birds had received the sanction of Parliament on grounds which he did not altogether approve; but the grounds advanced in its support were of a public character, while the Game Laws interfered with private rights without subserving any public advantage. They were essentially unjust, and being unsound in principle ought no longer to be maintained. Moreover, they had an immoral effect. They placed temptations in the way of men which were difficult to resist, and when a man once became a poacher he was easily led into other crimes. The only reason for continuing them was the selfish determination to preserve a fashionable amusement. Fox-hunting, which a Bill now before the House threatened to destroy, was unprotected by law, and it was entirely unselfish. The keeper of a pack of hounds was of necessity wealthy, and generally liberal; he invited all the county to the sport, and the farmer was as glad as he to take part in it, because the fox was a common enemy.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. P. A. Taylor.*)

MR. HARDCASTLE said, he rose to move the Previous Question. He agreed in some of the observations of the Mover of the Bill (Mr. P. A. Taylor), but he did not agree in them all. He would observe that, in the Bill he had himself introduced, he designed simply to make foxes, as well as other kinds of game, the personal property of the owner of the place where the fox might live, because he believed it would be easier with such a provision to preserve foxes than it was under present circumstances. The introducer of this Bill had made many attacks upon wild animals in the course of his speech; but his proceedings seemed chiefly directed against another animal who was only partially reclaimed—the country gentleman, for whom he appeared to have a great antipathy. But it was rather hard that the country gentleman should be attacked for doing his duty as a magistrate, when he would much prefer handing all game cases over to a stipendiary. The pictures the hon. Member had drawn would probably do very well for his constituents; but he might rest assured he would not gain his point by making attacks almost personal in character. There were good servants and bad in all countries, but he believed there was no more maligned class than gamekeepers. Stories about ferocious dogs setting upon children was no evidence against the Game Laws, for outrages were committed every day, and the repeal of the Game Laws to-morrow would not eradicate malevolent impulses from mankind. Even if this Bill were to pass it would be utterly impracticable to carry its provisions into effect. There would be a great feeling of irritation on the part of the influential classes who were interested in the maintenance of the Game Laws, and in the course of a year or two it would become necessary either to introduce a new Game Law, or to substitute for it a stringent law of trespass, which, in his opinion, was far more objectionable. While on this subject he might mention that in Germany any landlord might register his land in a public office, provided it were not less than 200 acres in extent, and he could then obtain a larger penalty against trespassers. Another ground of his objection to the Bill was that it was a step backward in legislation. At present the occupier of the property had only a qualified right in regard to game. Though he possessed the power of killing it he did not own it, and it could not be made the subject of larceny like the poultry and crops of the farm. He should like to see game made the actual property of the tenant, who would, of course, be able to make his own arrangement with the landlord as regarded the right of shooting. He could by no means concur in the opinion that the tenants were unable to fight their own battles. The last elections, particularly in Scotland, where half the Members were returned by the tenant-farmers, showed that the latter could, by putting their shoulders to the wheel, obtain pretty much what they wanted. The relations between landlord and tenant had already received a rude shock, and we ought not to make any further experiments in that direction. It was stated in the Preamble of the Bill that in consequence of certain legislation wild animals had multiplied, but he believed that statement was incorrect. Our legislation on the subject had not varied much for the last 30 or 40 years, and yet it was during that very period that there had been so large an increase in the quantity of game. Among the real causes of that increase were the greater luxury which prevailed, the additional means of locomotion, rendering communication with places formerly inaccessible much more easy, and the growing love of athletic sports. The practice of selling game also was a direct encouragement for persons to keep up preserves. He much doubted the truth of the assertion in the Preamble, that the produce of the land was diminished by the operation of the Game Laws; for though, in some cases, the game had undoubtedly injured farmers' crops, it should be remembered that a large quantity of animal food had been supplied to the country in consequence of the increased preservation of game. The hon. Member who introduced this Bill might, perhaps, be interested to know, that of the rabbits killed in Suffolk about five-sixths were not consumed in the district, but were sent to London, to Sheffield, or to the town which the hon. Gentleman himself represented. If the House should reject the present measure, they might adopt either the Bill of the Government or that which he (Mr. Hardcastle) had had the honour to bring forward; but with regard to the Government Bill he thought a more awkward attempt at legislation was never witnessed. It certainly appeared to him that if the present measure became law it would prove totally inoperative—a result which some hon. Members might, perhaps, think desirable. In reference to the clause of the Bill which provided that landlords should keep down the stock of game on their estates, he would remark that hares and rabbits could not be numbered like a flock of sheep; while the natural result of the provision enabling a tenant to bring an action against his landlord once a year would be the insertion of a clause in every future lease to the effect that if the tenant availed himself of this right he would be liable to pay an enhanced rent. He regretted that the Government had not touched the question with a stronger hand. This was a question that required the most anxious attention of Parliament. The number of convictions for poaching was about 1,200 in the year 1820; it had risen to 5,000 in 1860; and, according to the last Return, it was 10,300. There was feeling abroad that poaching was a crime only as it was made so by the law. It was most important that public opinion—the opinion of the lower classes of the people should be brought *en rapport* with the law, but so long as the law continued what it was this could not be accomplished. It appeared to him that the only remedy was to make game absolutely the property of the occupier of the land, and to let him deal with a person who took a hare or rabbit precisely as he would with any other thief. The parties liable to this kind of temptation would then be gradually brought to see that it was as dishonest to take one kind of property as it was another. He could hardly hope that any of these Bills could be passed this Session; but he hoped the attention of the Secretary of State for the Home Department would be seriously devoted to this important subject with a view of devising some plan for curing the existing evils. In conclusion he begged to move that that Question be now put.

Previous Question proposed, "That that Question be now put."—(*Mr. Hardcastle.*)

MR. STURT said, he found it difficult, if not impossible, to remain silent, after listening to the speech of the hon. Member for Leicester (Mr. Taylor). If this debate were to be continued, he hoped it would be discussed in that spirit which usually animated the deliberations of the House of Commons; but he was bound to express his opinion that the hon. Member for Leicester had trespassed somewhat beyond the boundary of fair political and personal criticism. The hon. Gentleman had introduced extraneous matter into the debate, and made grave charges and imputations against a large and influential portion of the community. The hon. Gentleman had ventured to insinuate that the justices of the peace in various counties and boroughs did not administer justice fairly and impartially to many of their fellow-countrymen who were brought under their jurisdiction. Now, he repelled that insinuation, and defied the hon. Gentleman to corroborate his statements by evidence; and, on the part of the justices of the peace, he would now tell the hon. Gentleman to his face that they regarded these charges and insinuations as a direct insult to their body, and as a cruel libel on their character. He wished to say a few words on the subject under discussion; but he should not have ventured to do so, had he not had a kind of inkling in his mind that, while the House had a holy horror of hearing long and prosy discourses from Members who talked about measures they did not understand, it was always willing to listen to any Member who spoke on a subject with which he was conversant. Having been a game preserver more or less for upwards of twenty years, and having, during all that period, mixed in a friendly and familiar manner, convivially and in other relations, with many tenant-farmers, he felt quite equal to the occasion, ready to grapple with the facts adduced by the Member for Leicester, to deny his statements, to refute his arguments, to annihilate his doctrines, and, in fine, to shut him up altogether. On what indictments did the game preservers stand arraigned before that House? The first had reference to the injury alleged to have been done to the tenant-farmers by the over-preservation of game, and the consequent ill-feeling which arose between landlord and tenant. The second was based on the great temptation held out to the labouring man to take "what isn't his'n," and the third was founded on the immense amount of food which was devoured by hares, pheasants, and rabbits, instead of going into the stomachs of men, women, and children. Now, this was entirely a question between landlord and tenant, and he should not proclaim his opinion so strongly, if he could not fortify it by conclusive evidence. They lived in a free country, and he was not aware that there was any law to force a man to take a farm unless he liked to do so. What said the great Sir Robert Peel, 25 years ago, on the subject? He only quoted from recollection, but he had a capital memory. —"What objection," said Sir Robert Peel, "can there possibly be to a tenant, before taking a farm, making strict conditions with respect to game? What possible obstruction can stand in the way of any tenant, whether he be a tenant-at-will or under a lease, from making an express stipulation with the landlord that he shall not let the game, but that the tenant shall have the exclusive control over it?" Sir Robert Peel hit the right nail on the head, when he said that the remedy was entirely in the hands of those who made their contracts before taking the farms. The hon. Member's statement about the ill-feeling existing between landlord and tenant showed that he either had no landed property, or, if he had, that he never went shooting on it; for, of all the 365 days in the year, the one to which the tenant-farmer looked forward with most pleasure was that on which his landlord and his friends came to take a day's recreation with him. He was referring to English landlords, and would say nothing of the landlords of Scotland, because he did not understand the language of that country. Then, was not the hon. Member well aware that, whether in the town of Leicester or in an agricultural village, it happened in 99 cases out of every 100, that the poacher was the bad character of the place? Did anyone suppose that the men who went out poaching, and who sometimes, without any provocation, committed murder, would hesitate to steal geese, chickens, turkeys, or even the watch which was now ticking close by the philanthropic heart of the hon. Member for Leicester? Let the House consider the extraordinary argument of the hon. Member who demanded the repeal of the Game Laws, because there were an enormous number of convictions under them. To repeal a statute because it was frequently infringed would be to pursue a policy fraught with danger. Then the hon. Gentleman had spoken of the immense quantities of food which game destroyed, and had made a learned discourse on the digestive capabilities of a wether sheep, after which he gave the House a microscopic insight into the internal arrangements of a buck rabbit. The hon. Gentleman seemed to forget, however, that hares, rabbits, and pheasants were food for the people as well as beef and mutton. He noticed that the hon. Member for Chelsea (Sir Henry Hoare) was in his place. Now, it happened that, in the course of the present year, he (Mr. Sturt) had to employ a considerable number of workmen at his residence in the country. The head man, who said he came from Chelsea, asked him if he and his companions could have some rabbits, and he replied—"Yes; you can have five couple a week, and the *Standard* newspaper shall be taken in for you also, but upon one condition—namely, that you vote against Sir Henry Hoare at the next election." This was a proof that he always did what he could to promote the interests of the Conservative party. Having said this much against the Bill, he desired to give some friendly advice to his brother preservers of game, for he believed they would take advice from him in a better spirit than they would from the Member for Leicester. Now, he confessed he did not think that everything in regard to the Game Laws was in a satisfactory state. The long list of convictions for poaching made him very uneasy, and was a sort of disgrace to the civilized age in which we lived. He wished, however, to effect a change by social and moral means, and not by Act of Parliament. If the owners of large estates wished to diminish the number of convictions for poaching, they ought to see that every labourer on their property was comfortably housed and had a nice garden and a good allotment. He was not anxious to bring his own individual case before the public; but he might mention that he reared 4,000 pheasants the year before last, and that, during the last 23 years, there had not been on the average more than one case of poaching per annum on his estate. This was because every labourer on the estate voluntarily constituted himself a keeper of the game, as he was treated like a Christian, and, in fact, considered himself as one of the family. He wished every landlord would have all the rabbits on his estate killed, and see that his tenant-farmers were not eaten up with hares. If they took his advice, they would do what was still more important, and refuse to let their places for shooting in order to put a few dirty sovereigns into their pockets. If the landlords built cottages for and made friends of their tenants, and if they declined to make the game the subject of a money transaction, they would be able to withstand for many years the onslaughts of such men as the hon. Member for Leicester, and to keep up a noble sport and amusement, which brought about and cemented those feelings of friendship and cordiality which ought to exist between all classes, and more especially between the owners and the cultivators of the soil.

Mr. M'COMBIE said, that being identified with the interests of the tenant-farmers of Scotland, he wished to read certain letters which he had received from tenant-farmers, embodying their views. The letters were from different parts of Scotland, and fairly represented the opinions of the tenant-farmers on that subject. The hon. Member then read the letters referred to. They generally denounced the Lord Advocate's Game Bill as "little less than an insult," as a "sham and a mockery, but not a delusion, for the tenant-farmers from John o'Groat's to Land's End see through it;" while, on the other hand, they as generally concurred in the Bill of the hon. Member for Leicester, as "the only Bill on the subject that is intelligible"—"the only one that will give satisfactory relief." Another said—"that unless such a Bill as Mr. Loch's becomes law, or there was a total abolition, it will be impossible for us to live." The hon. Member said that, so far as he knew the feelings and views of the farmers in the country, and the intelligent classes of towns, nothing would give satisfaction short of a Bill that would take ground game out of the Game Laws, or an entire abolition of these laws. ["Divide, divide!"] He would not trouble the House with any further extracts. He was sent there by the tenant-farmers and feuars of Scotland to speak for them, and he wished to explain what he considered was justice to them. They only wanted justice. They heard nothing there but of justice to Ireland. Well, they had helped the Government to do justice to Ireland, and now they wanted justice for the tenant-farmers of Scotland—justice in taxation, justice in not letting their crops be eaten up by the landlord's game, modification of the malt tax, and the abolition of the Law of Hypothec. ["Question!"] They wanted no more than justice, and they would not be content with less. He feared they could not look to the right hon. Gentleman the Chancellor of the Exchequer for help. They had applied to him for the remission of the duty on shepherds' dogs, it being a small revenue, and its taking off would have been a great boon to the pastoral districts of Scotland; but, "Oh no," he said—"he had made his arrangements and could not alter them." He (Mr. M'Combie) hoped, however, that it was his intention to reconsider his decision on that point. Now, it was proposed to tax the guns the farmers were obliged to keep for the protection of their crops from crows and other vermin. The right hon. Gentleman said that the tenant-farmers, with due precaution, would be allowed to steep their barley for feeding cattle; but he (Mr. M'Combie) regarded that as no boon at all. He was, he believed, the largest feeder of cattle in Scotland for the London market, and he should never think of steeping his barley for feeding them, and extracting from it its germinating powers. He quite exonerated the Lord Advocate from wishing to hurt tenant-farmers in drawing his Bill; but he thought it would be a pity to waste the valuable time of the House in the consideration of such a measure. The Government should remember what it was that turned some, if not most, elections in Scotland. Was it not the Game Laws? Assuredly, and no one could deny it. To whom did the Gentlemen on the Treasury Benches owe their seats, or, at least, their majority? Why, it was to the tenant-farmers and to the feuars of Scotland, and it was in their interest that he had now addressed the House.

MAJOR GENERAL **FORESTER** said, he should not have felt it necessary to trouble the House with any remarks were it not for the allusion made by the hon. Member for Leicester (Mr. Taylor) to an occurrence which had happened on his (General Forester's) brother's estate. The facts were these—his brother, having suffered much annoyance from the mischievous cutting of shrubs and trees on a piece of dressed ground by a number of boys, gave orders to his keeper to look after those boys, with the view of preventing further damage being done. The keeper took his dog with him—which, however, was muzzled—and, finding the boys again trying to destroy his master's trees and shrubs, he rushed towards them. The boys took to flight; and, being unable to overtake them, the keeper very improperly let slip the dog after them. The dog knocked down one of the boys and scratched him on the back. He (General Forester) believed that there was little more damage done to the boy. Lord Forester, on hearing the facts, sent £5 to the boy's mother and discharged the keeper, feeling much annoyed with his conduct in bringing the dog out against the boys. This occurrence happened, not at night, but at broad daylight; and he supposed the keeper found that the boys gave him leg-bail, and that the only chance was to frighten them by letting the dog loose. The affair had been much exaggerated in the local papers. After the admirable speech of the hon. Member for Dorsetshire (Mr. Sturt), he should not think it necessary to contradict or refute any of the statements of the hon. Member for Leicester.

Mr. M'LAGAN said, he heartily sympathized with the sentiments expressed by the hon. Member for Dorsetshire (Mr. Sturt), at the commencement, and also at the conclusion of his speech. He thought that if all Gentlemen who were game preservers acted up to the advice which the hon. Member gave them, there would be very little heart-burning between landlords and tenants, nor would there be very much discussion with respect to the necessity of repealing the Game Laws. But unfortunately that was not the case. One thing had rejoiced him very much—that was, that the discussion upon the present occasion had not been confined entirely to Scotch Members. Hitherto discussions of this character had been chiefly confined to Scotch Members; probably because the evils of game preserving had reached a much greater height in Scotland than they had in England. But that Bill, applying as it did to England, interested English Members of Parliament, and he was glad that they had had the views of certain of those Members on the subject. He was, farther, glad that the discussion of the question had been taken out of the hands of Scotch Members merely, because it must be acknowledged that in the past discussion of the Game Laws some characteristics of the *perfervidum ingenium Scotorum* had been manifested by Scotch Members which were not very creditable to them, though they might be very amusing to the House. There could be no possible doubt of the importance of the question, and of the evils which had been caused by the Game Laws, and he would not detain the House by discussing them. He regretted to hear such wholesale denunciation of the Lord Advocate's Bill. If he might be permitted to say so on the present occasion, he should say that it was something more than a mere Bill for the amendment of the Game Laws; he believed that no measure would give more substantial benefit to the tenant-farmers than that measure. That provision alone by which a farmer killing game on land in his occupation could not be taken up for a trespass, but could only be proceeded against by his landlord on a civil action, was an immense boon to tenants. As regarded another Bill before the House—that brought in by his hon. Friend the Member for Wick (Mr. Loch)—it took the power of free contract from both landlord and tenant, because it proposed to enact that any contract which was made between landlord and tenant, which had for its object the preservation of game, should be null and void in the law. Now, he (Mr. M'Lagan) had the strongest objection to a provision of that kind; and even if it were passed, which he did not think it would be, it would be no protection to game as property. He objected to that part of the Bill most strongly, because it would encourage litigation, promote dishonesty, and practically encourage commercial immorality—that was to say, an immorality which would be connected with all bargain-making, and all bargain-keeping. The hon. Member was proceeding amid continued cries of "Divide, Divide!" to address himself to the Bill now before the House—

When, it being 10 minutes to Six of the Clock—

Debate *adjourned* till *To-morrow.*

JOINT STOCK COMPANIES' ARRANGEMENT BILL.

On Motion of Mr. Henry B. Sheridan, Bill to facilitate Compromises and Arrangements between Creditors and Shareholders of Joint Stock Companies in Liquidation, *ordered* to be brought in by Mr. Henry B. Sheridan, Mr. Serjeant Simon, and Mr. Brogden.

Bill *presented,* and read the first time. [Bill 143.]

LOCAL GOVERNMENT SUPPLEMENTAL BILL.

On Motion of Mr. Knatchbull-Hugessen, Bill to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Blackpool, Bristol, Eton, Heckmondwike, Kidderminster, Lincoln, Nottingham, Plymouth, South Molton, Wallasey, and Ware, and for other purposes relative to certain districts under the said Act, *ordered* to be brought in by Mr. Knatchbull-Hugessen and Mr. Secretary Bruce.

TELEGRAPH ACTS EXTENSION BILL.

On Motion of The Marquess of Hartington, Bill to extend the Telegraph Acts of 1868, 1869, to the Channel Islands, *ordered* to be brought in by The Marquess of Hartington, Mr. Chancellor of the Exchequer, and Mr. Stansfeld.

Bill *presented,* and read the first time. [Bill 142.]

POST OFFICE BILL.

Bill "for further regulation of Duties of Postage and for other purposes relating to the Post Office," *presented,* and read the first time. [Bill 144.]

House adjourned at five minutes before Six o'clock.

HOUSE OF COMMONS,

Thursday, 26th May, 1870.

MINUTES.]—PUBLIC BILLS — *Ordered—First Reading* — General Police and Improvement (Scotland) Supplemental * [147].

First Reading—Inland Revenue Acts Repeal * [146].

Second Reading — Turnpike Trusts Arrangements * [129]; Metropolitan Board of Works (Loans) * [132]; Sale of Poisons (Ireland) * [140]; Wages Attachment Abolition * [131].

Considered as amended—Irish Land [137-145]; Married Women's Property * [16]; Wages Arrestment Limitation (Scotland) * [118].

NAVY—ADMIRALTY ANCHORS.

QUESTION.

MR. RYLANDS said, he wished to ask the Secretary to the Admiralty, If the survey of the anchors at the various Dockyards, with a view of setting aside for sale such as are unfit for the Service, has been completed; and, if so, if he will state to the House how many have been condemned in each Yard; also, if it is true that there are large quantities of useless anchors in the Foreign Yards?

MR. BAXTER: Sir, in reply to my hon. Friend, I beg to say that Mr. Warren, one of the ablest officers in the service, has just completed a survey of the entire stock of anchors in the home yards. No fewer than 639 are reported obsolete and unserviceable, distributed as follows:—106 in Sheerness, 142 in Devonport, 105 in Woolwich, 34 in Pembroke, 193 in Portsmouth, and 59 in Chatham. Many of these are not expected to realize more than the price of old iron, as nearly all have been lying in the dockyards for 30 years—some, indeed, for 50 years. In addition to the anchors thus condemned, it is proposed to sell 341 others, which, on account of their size and inferior pattern, will never be used by any of Her Majesty's ships. That will leave us with a stock of about 1,000, which, in the opinion of the Chief Constructor of the Navy and all concerned, is ample for all the requirements of the service for many years to come. It is true that there are also large quantities of anchors in the foreign yards, many of which, no doubt, are useless. At Malta there are 144, at the Cape of Good Hope 96, at Bermuda 117, at Jamaica 80, at Hong Kong 200, and so on. Steps are being taken to survey them, with a view of disposing of such as are not required.

NAVY—WOOLWICH DOCKYARD.

QUESTION.

MR. MILLS said, he would beg to ask the First Lord of the Admiralty, If it is true that arrangements have been made for handing over to the War Department the eastern portion of Woolwich Dockyard; and, if so, if he will state when and how he will be prepared to dispose of the remaining portion?

MR. CHILDERS: The delay in disposing of Woolwich Dockyard has been occasioned partly by the necessity of exercising caution in not parting with property which might be required by the War Office, and partly by the extreme intricacy of the title. We have, however, decided that part of the Dockyard to the west should be handed over to the War Department, and we are in communication with the Woods and Forests, who have the principal interest in the eastern part, with a view to arrange for its sale or letting immediately. I am to receive in a few days a deputation from the town on the subject; but, meanwhile, the ground has been carefully lotted out, and I have received much valuable assistance from my hon. Friend the Member for Bath (Sir William Tite), as to the best arrangements in the matter.

NAVY—ADMIRALTY SHIPPING AGENTS.

QUESTION.

MR. BAYLEY POTTER said, that various rumours had been circulated with respect to the recent changes which had taken place at the Admiralty. He believed that many of them were untrue, and he, therefore, begged to ask the Secretary to the Admiralty, If the Shipping Agents to the Admiralty receive any remuneration whatever from the Shipowners, or otherwise, beyond their commission of 1*s*. 3*d*. per ton?

Mr. BAXTER: I am glad, Sir, that my hon. Friend has given me an opportunity of contradicting a report, reflecting no credit on its authors, which has been circulated since a Question was last answered on this subject. The shipping agents of the Admiralty are strictly prohibited, by the terms of their agreement, from receiving any payment whatever from the shipowners, whether in the shape of primage or other percentages which may be customary in certain cases, and they have requested me to give their unqualified and indignant denial to the statement that they have received a single farthing in addition to their commission.

SCOTLAND—MAILS BETWEEN GOLSPIE AND THURSO.—QUESTION.

Sir TOLLEMACHE SINCLAIR said, he would beg to ask the Postmaster General, Whether he is aware that the mails between Golspie and Thurso during the snow storms of last winter were frequently detained in consequence of the refusal of the men, who were in the habit of conveying the mails on such occasions on horseback, to proceed, as they were not paid by the Post Office for past services; and, why the speed of the mail from Golspie to Thurso has been reduced from nine to seven miles per hour?

The Marquess of HARTINGTON, in reply, said, he was quite aware that the winter before last there was some delay in the settlement of the accounts to which the hon. Gentleman had referred, and it was possible that some reluctance had been felt by some of the men in undertaking the same service in the beginning of last winter. He was not aware, and did not believe, that the public service had been put to any serious inconvenience, and the postmasters along the road received orders last winter to pay for these services immediately after they were rendered. The reduction in the speed of the mails, to which the latter part of the Question referred, was owing to the circumstance that since the opening of the railway to Golspie the mails arrived at most of the towns at so early an hour in the morning that a small diminution of speed was really a matter of indifference. The delay that had occurred was not so great as the hon. Baronet supposed.

PURIFICATION OF THE THAMES.

QUESTION.

Mr. BRODRICK said, he would beg to ask the Secretary of State for the Home Department, Whether he intends to bring in any measure to restrain the Conservators of the Thames from imposing the penalties under the 60th Section of "The Thames Navigation Act, 1866," upon populous places below Staines, until some general Act shall have been passed giving them facilities for obtaining some other outlet for their sewage than the River Thames? Perhaps he might be allowed to add that it would give great satisfaction to those whom he represented if the right hon. Gentleman can state, in case he does not mean to do that, what course he intends to take with regard to this important matter?

Mr. BRUCE said, in reply, that the Question put by the hon. Gentleman was part of a much larger and extremely difficult subject now under the consideration of the Government, and he was unable to state whether or not it would be possible for them to deal with it in the manner suggested in the Question. In respect, however, to places situate on the Thames, they had advantages that were not possessed by many other populous towns, such as Leeds and Birmingham. The "Thames Conservancy Act of 1866" provided, that a month before the expiration of the limit of time up to which they could drain into the Thames, the various districts affected might apply to the Board of Trade for an extension of time, so that places like Staines had still the power of applying for an extension of time, if they could make out a good case for it.

NAVY—THE "FLYING SQUADRON."

QUESTION.

Sir JOHN HAY said, he would beg to ask the First Lord of the Admiralty, To state to the House the number of petty officers, seamen, marines, and boys constituting the complement of the so-called "Flying Squadron," and the numbers that have died, deserted, or been invalided up to the latest accounts received from Rear Admiral Hornby?

MR. CHILDERS: The complement and supernumeraries of the Flying Squadron amounted to 2,882 petty officers, seamen, marines, and boys. Of these, up to the last accounts from Admiral Hornby, 33 had died or been invalided, and 221 had deserted or were stragglers. It is believed that many belong to the latter category, having taken free advantage of the hospitality of the Colonies, where they even had passes over the railways. As many as 16 were recovered out of those who absented themselves at Melbourne. Of the 221 only 92 were *bonâ fide* seamen, and two were petty officers.

DRAWBACK ON SUGAR.

QUESTION.

MR. CRAWFORD said, he would beg to ask Mr. Chancellor of the Exchequer, What steps he proposes to take with reference to applications made for an allowance of Drawback on Duty paid Sugar in Stock on the close of Tuesday the 12th day of April last?

THE CHANCELLOR OF THE EXCHEQUER said, in reply, that the Government had taken into their careful consideration the applications made to them with reference to the drawback on sugar that had paid duty and been in possession of different persons in this country on the day named by his hon. Friend—namely, Tuesday, the 12th day of April last, and they had come to the conclusion that the claim of one class of claimants ought to be admitted—that was sugar-refiners other than those who were originally admitted to be entitled to the return of drawback on their sugar. With regard to these refiners, those who manufactured by machinery what were called pieces and crystals, it was proposed that the Customs Department should ascertain and satisfy itself as well as it could—and it had already taken steps for doing so—what amount of sugar was in their possession on the 12th of April last on which they had paid duty; and it was proposed that they should have a return of that duty, with this qualification, that they should be put as nearly as possible on a level with the refiners of all those sugars that had been admitted, and who had been allowed to export their sugar to get the drawback. It was computed that the expense of exporting sugar to get the drawback and re-importing it was about 3*s*. per cwt., and what the Government proposed was to give to those other sugar-refiners the same drawback on the quantity of sugar they had in their possession on the 12th of April, deducting from each cwt. the sum of 3*s*., to place them on a level with other refiners who might have exported their sugar to get the drawback and re-imported it at the lower rate of duty. It was not proposed to grant any other drawback.

MR. CRAWFORD said, the answer of the right hon. Gentleman, he was sure, would not be satisfactory to the dealers in sugar. ["Order!"] He begged to give Notice that he would bring the matter under the consideration of the House at a future stage.

FRIENDLY SOCIETIES.—QUESTION.

MR. CORRANCE said, he would beg to ask Mr. Chancellor of the Exchequer, What steps he proposes to take relative to the Registration of Friendly Societies, in consequence of the withdrawal of the Bill for the Registration of Friendly Societies?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the office of Registrar of Friendly Societies at this moment was held by a temporary occupant. He was not able to say what would be the ultimate fate of that question. It must, he thought, now pass into the hands of his right hon. Friend the Home Secretary, who would have to deal with that subject, in conjunction with others of a cognate character, next Session. As soon as his right hon. Friend had made up his mind as to the course that it was proper to take in the matter, he should be quite prepared to act, his province being limited merely to the filling up of that office. If his right hon. Friend agreed with the opinion he had expressed early in the Session, that the office might properly be discontinued, the gentleman who now held it would resign. If, on the other hand, his right hon. Friend thought it ought to be continued in its original form, then a new appointment would be made. But no change would be made until his right hon. Friend had time to consider the subject.

THE FENIAN RAID IN CANADA.

QUESTION.

Sir CHARLES ADDERLEY said, he wished to ask the Under Secretary of State for the Colonies, Whether his Department has received any information relative to the reported Fenian aggression in Canada ?

Mr. MONSELL : Sir, the latest information received by Her Majesty's Government on that subject states that the Fenians from St. Albans have crossed our frontier near Phillipsburg, that skirmishing is reported to have commenced, and that various other points are threatened along the frontier. I am happy to state that Sir John Young also adds that the Militia in Canada were called out three days ago, and that every possible preparation has been made to resist the Fenian aggression. Sir John Young further states that a telegraphic despatch has been received from Mr. Thornton, dated the 25th instant, to the effect that there is evidence of a Fenian movement against Canada towards the east and west of Lake Champlain, but principally towards the eastern portion, and that their numbers are supposed to be between 3,000 and 4,000. I am glad, likewise, to be able to say that a proclamation warning United States subjects against the violation of neutrality has been issued by the President of the United States, and that General Meade has been authorized to send troops to the frontier to prevent any such violation.

PARLIAMENT—EXCLUSION OF STRANGERS FROM THE HOUSE.

OBSERVATIONS.

Mr. GLADSTONE : I see, Sir, that the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) has given Notice of his intention, on the Motion for going into Supply to-night—

> "To call the attention of the House to the rule or practice of ordering strangers to withdraw, and the effect thereof."

I should be glad if the right hon. Gentleman would allow two or three days for the consideration of the matter on the part of the Government, and I hope on Monday to be in a condition to state to the House whether we have any measure to propose in reference to it. Under these circumstances, probably, it might not be disagreeable to the right hon. Gentleman to postpone raising the question for two or three days.

Mr. HENLEY : If the right hon. Gentleman will make his statement on the subject on Monday, I have not the least objection to give way.

Mr. GLADSTONE : It shall certainly be made on Monday next.

IRISH LAND BILL—[Bill 137.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill be now taken into Consideration."—(*Mr. W. E. Gladstone.*)

Sir FREDERICK W. HEYGATE rose to move—

> "That the Bill be re-committed for the purpose of introducing a Clause fixing the increased amount of the additional salaries to be paid to the judges and officers of the Civil Bill Courts in Ireland for the additional duties by this Act imposed upon them."

He said, his object was not to intercept the Bill in its course through the House. He would have moved in Committee an Amendment such as that which he desired to see introduced, only for the accidental circumstance that the clause in which it ought to have been inserted was, among others, passed hurriedly through Committee at a time when most of the Opposition were absent from the House. On the evening of that occurrence those hon. Members who took an interest in the Land Bill were in the House for nine hours, and it was during the absence of many of them for a space of about 20 minutes the clauses to which he alluded were ordered to stand part of the Bill. A more honourable body of men than the Chairmen of the Irish Civil Bill Courts did not exist. They must be men of considerable attainments and barristers of 10 years' standing. It was for the interest both of landlord and tenant that those learned gentlemen should be men of the highest character. He thought that the additional remuneration which it was proposed to give them for the duties which this Bill would impose on them ought to be fixed by the Bill. He was told that there might be some objection by the Chancellor of the Exchequer ; but he would remind the right hon. Gentleman that the amount of fees paid into the Exchequer from the Irish Quarter Sessions Courts, which last year amounted to £14,000, would be largely increased by this Bill. Again, after a short time the *Regium Donum* and the Maynooth Grant would cease to be paid. He did not suppose that the right hon. Gentleman would look at the question in a narrow way; and, therefore, he preferred to rest his Amendment on the ground that its adoption would be an act of justice to the Chairmen, and one which would commend itself to all classes in Ireland.

Amendment proposed,

To leave out from the words "Bill be" to the end of the Question, in order to add the words "re-committed for the purpose of considering a Clause fixing the increased amount of the additional salaries to be paid to the judges and officers of the Civil Bill Courts in Ireland for the additional duties by this Act imposed upon them,"—(*Sir Frederick Heygate,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. MURPHY pointed out the impolicy of permitting the Government to fix, from time to time, the amount of the salaries to be paid to the Chairmen of counties under this Bill, as such a course would be calculated to cast suspicion upon the decisions arrived at by the Land Courts. The Chairmen of counties would be content with whatever sum was fixed as remuneration for the additional duties they would be called upon to discharge under the provisions of the Bill; but they were most anxious that the amount should be determined by Parliament, and not left to the discretion of the Government for the time being. He had given Notice of his intention to move that, in the event of the scale of remuneration fixed upon being found to be higher than was justified by the amount of work performed within the first five years after the passing of the Act, the Lord Lieutenant should have power to reduce the amount of the salaries.

MR. VANCE drew attention to the case of the clerks of the peace for the different counties in Ireland, who would also have extra duties cast upon them under this Bill. These gentlemen would also prefer that the amount of additional remuneration they were to receive should be settled by Parliament, and that they should be paid by salaries and not by fees.

MR. BRODRICK said, he did not rise to offer any opposition to the Motion of the hon. Member for Londonderry (Sir Frederick Heygate), because he felt that if Parliament in its wisdom should determine to impose the duty of carrying this Bill into effect upon the Chairmen of counties in Ireland, the latter would be entitled to additional remuneration. He did not know precisely at what amount it was proposed to fix those salaries; but the lowest sum he had heard mentioned out-of-doors was £500 per annum, which would amount to an aggregate sum of £17,000 per annum for the whole 34 Chairmen of counties in Ireland. He thought that a far better tribunal might be secured at a cheaper rate, by the appointment of two or three additional Judges, who would be competent to regulate the new practice which would spring up under the Bill. How could uniformity of practice be secured if there were 34 officers before whom those questions were to be stated? If his proposition was adopted, formal rules might readily be laid down, and much doubt and confusion would be avoided.

COLONEL FRENCH had trusted that, after the long debates they had had, they would be allowed to go on with the Report without any Amendments; and he hoped that the Government would not assent to any material alteration being made in the Bill. If they raised the salaries of assistant barristers, they would have also to raise the salaries of all other persons engaged in the administration of justice. It would be ample time to increase salaries when the Government had experience as to the increase in the duties to be performed. He feared that the Amendment had been advocated on professional grounds only.

MR. OSBORNE said, that no doubt that was a most important Amendment, but he could not say whether they were in a position to fix the amount of the salaries at present, for there might be an enormous addition to the business, or the addition might be so very slight, that a very little addition should be made to the incomes. But, whatever they did, it was most important that they should pay the Judges well, in order that they might procure the services of the best men; and, above all, in order that the greatest confidence might be reposed in them.

The CHANCELLOR of the EXCHEQUER said, that as they had at length parted—no doubt with many pangs—from the consideration of this Bill in Committee, the hon. Baronet the Member for Londonderry (Sir Frederick W. Heygate) ought to bring forward very strong arguments indeed to induce us to return to that blissful state in which we have been living for the last two months. He did not think that the hon. Baronet's arguments entirely satisfied that condition. The hon. Baronet made two points—first, that the increased salaries of these gentlemen ought to be charged on the Consolidated Fund; and, secondly, that the House should settle at the present time what increase should be made. Now, he was not prepared to dispute either of those propositions. In order to carry out the first there was no occasion to re-commit the Bill, because they could introduce an Amendment in the 58th clause to make the salaries payable out of the Consolidated Fund, instead of providing that they should be paid out of moneys provided by Parliament from time to time. Then the hon. Member asked them to go into Committee to fix the salaries at once; but the problem which he proposed was a very difficult one. The point was—given a certain amount of service, which was unknown, what should be the amount of remuneration? Nothing could be more uncertain at the present moment than the amount of additional duties which the Bill would impose upon these gentlemen. Some hon. Members thought the amount would be very large indeed; while others, including himself, were of opinion that, as the Bill defined the complications which might arise between landlord and tenant, and was a sort of guide as to the questions which might be brought forward, it would facilitate agreements being made between the parties without the intervention of a Court. Still, nobody knew what might be the result, and it was very objectionable to fix the salaries of these gentlemen without having the necessary data. If the salaries were fixed now, it might happen that they would turn out to be lower than they ought to be; in which event these gentlemen would very naturally apply for an increase, and would thus be liable to the suspicion of being biased by the Government of which they asked the favour. If, on the other hand, the salaries were fixed too high, no one could be credulous enough to suppose that any power on earth could reduce them to the proper level. They, therefore, asked the House not to ask them to make a definite proposal on this subject now, but to allow the matter to stand over till next Session, when they would have some little experience to guide them. The Government would undertake to bring the matter forward next Session for the consideration of the House. He could not help hoping the hon. Baronet, seeing that the Government did not oppose either of the principles he advocated, would not press his Motion to a Division.

Dr. BALL said, that after the declaration just made on the part of the Government, there would be little use in pressing the Motion. He wished, however, to impress upon the Government that parsimony in judicial matters was very bad economy, and that the first object in a case of this kind was to obtain the services of persons who had a large amount of experience and legal knowledge.

Mr. G. B. GREGORY said, he hoped the interests of subordinate officials would not be lost sight of. The success of a Court always depended very much on the manner in which the subordinates were treated; and in the present case it was peculiarly important that they should receive adequate salaries, because they would be brought into contact with the peasantry, and might exercise great influence either for good or evil.

Mr. GLADSTONE: My right hon. and learned Friend the Member for the University of Dublin (Dr. Ball) says that parsimony in increasing judicial salaries is a very bad policy; but I think it must be admitted that that is not an error into which this House has often fallen. The right hon. Gentleman, therefore, need not entertain any apprehension on that head. As respects the speech of my right hon. Friend the Chancellor of the Exchequer, I am afraid it is not possible at the present stage of the Bill to modify the clause relating to the salaries of the Judges in precise correspondence with the intentions of the Government. This subject was not brought under our notice until after that clause had been passed in Committee, and we shall not have any further opportunity of altering that clause. However, no practical result will follow from that circumstance, because we are pledged to propose next Session a Bill for the purpose of making a proper addition to these salaries.

Sir HERVEY BRUCE regretted that the Government had not seen their way to fixing the salaries in the Bill. He hoped Government would relieve the minds of those gentlemen, and not wait till the first six months was over before they fixed their salaries. He made these observations in no hostile spirit, but solely from a desire that the Bill should work well.

Mr. M'CARTHY DOWNING said, he concurred with the hon. Baronet (Sir Hervey Bruce) in his regret that the salaries of the Judges had not been fixed. The County Court Judges in England got an increase of £300 a year to their salaries under the Bill giving them equity jurisdiction. He could not see, therefore, why that which was done in their case should not be done in the case of the Chairmen of Quarter Sessions in Ireland in the present instance. The Chairman of Quarter Sessions was the criminal judge in Ireland, and guided the magistrates in all criminal business there.

Mr. BRUEN said, he did not think any good reason had been given why the Amendment should not be agreed to. The House, he contended, would next year be in no better position to form an opinion as to the average duties of the Judges than it was at present. As to the Chairmen of Quarter Sessions themselves, his experience in the North of Ireland led him to place in them the most implicit confidence.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill, as amended, *considered.*

Mr. CHICHESTER FORTESCUE said, the Government were of opinion that the Amendment which had been suggested by his hon. Friend the Member for Andover (Mr. D. Fortescue) might, slightly modified, be with advantage introduced into the Bill. The effect of that proposal, which had been put in the shape of a clause, would be to render it easier for the landlord to obtain land for the building of labourers' cottages, which was, he thought, a better way of dealing with the question than to leave them to be provided by the tenant. With that view he should move the insertion after Clause 8 of the following clause:—

(Exception in case of lands required for labourers' cottages.)

"Any landlord may, after six months' notice in writing, to be served upon the tenant, or left at his house, resume possession from a yearly tenant of so much land (in no case to exceed one twenty-fifth part of any individual holding), as he may require for the bonâ fide purpose of erecting thereon one or more labourers' cottages, with or without gardens attached, and such resumption of land shall not, unless the Court shall be of opinion that same was unreasonable, be deemed a disturbance of the tenant within the meaning of this Act, and shall not subject the landlord to any claim for compensation, except in respect of improvements, beyond a proportionate abatement of rent."

Clause *brought up*, and read a first and second time.

Mr. SYNAN said, he could not concur in the principle of the Amendment. He hoped that this power would only be given to landlords in the event of the tenants declining or neglecting to build those cottages.

Sir JOHN GRAY said, he thought the clause ought to be so modified that it should be in the power of the landlord to allocate a certain portion of land, for the purpose of building labourers' cottages, only when the tenant neglected to do so.

Mr. D. FORTESCUE protested against the labourer being left dependent on the tenant for the necessary accommodation.

Dr. BALL said, he thought it would be very much for the advantage of the labouring class in Ireland that they should be the immediate tenants of the landlord rather than of a middleman.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) proposed to amend the clause by omitting the words "in no case to exceed," and substituting the words "not to exceed in the whole" one twenty-fifth part of the holding. The hon. and learned Gentleman explained that the Amendment of the hon. Member for Andover was to meet the case of a landlord who was desirous of obtaining a portion of ground for the purpose of erecting cottages, which he could not do now without determining the tenancy for the whole of the land paid by the tenant.

Sir JOHN GRAY suggested that the power should be confined to building cottages for labourers employed on the holding, and not on the domain of the landlord.

Mr. COGAN said, he thought great amelioration would accrue to the labourers of Ireland from this clause, and in no respect did their condition require amelioration more than with regard to their houses.

Amendment *agreed to.*

Mr. SYNAN moved to amend the clause by limiting it to cottages required "for the cultivation of the farm" on which they were erected.

Amendment proposed to the Clause, in line 5, after the word "attached," to insert the words "for the cultivation of the farm."—(*Mr. Synan.*)

Question proposed, "That those words be there inserted."

Mr. M'CARTHY DOWNING said, he thought the clause objectionable, inasmuch as it would give extraordinary powers to the landlord to go upon another man's land.

Colonel WILSON-PATTEN said, there was scarcely a provision in the clause that was not in favour of the tenant, and as this clause had been proposed in the interest and independence of the labourers he should support it.

Mr. CHICHESTER FORTESCUE said, it was not the object of the Government to introduce any positive enactment in favour of the labourers; but to take care that the provisions of the Bill should not have the effect of making the condition of the Irish labourer worse than it now was.

Amendment, by leave, *withdrawn.*

Clause, as amended, *added.*

Mr. CHICHESTER FORTESCUE moved to insert, after Clause 62, a new clause (Exception as to county cess levied in certain cases). The object of the clause was to supply an omission to which his attention had been called by many hon. Members, especially by his noble Friend the Member for Donegal (the Marquess of Hamilton). As the Bill stood, the county cess would in future be divided between landlord and tenant; but in the case of extraordinary imposition of that rate for penal purposes, such, for instance, as under the provisions of the Peace Preservation Act, it would be defeating the object of Parliament to divide it between landlord and tenant; and, therefore, the clause specially excepted such impositions from the operation of the Bill.

Colonel FRENCH objected to the clause in the Bill exempting tenants under £4 from the payment of the county cess. All tenants, whether great or small, had an interest in the formation of roads, and in the economical management of the funds raised by the county cess; and he hoped that the clause to which he referred would be struck out of the Bill by the House of Lords.

Mr. KIRK said, it would be very easy to separate the general from the special cess. It would be a great benefit to the tenants.

Mr. STACPOOLE supported the clause. It would be received with satisfaction by the people of Ireland.

Clause *agreed to,* and *added* to the Bill.

New Clause (Non-liability for rent for land covered by public roads) *added.*

Mr. CHICHESTER FORTESCUE said, the next clause related to the Law of Distress. It would be remembered that the Government had promised to give the proposal of the hon. Member for Dublin (Mr. Pim) full consideration; and what they were now prepared to recommend was, that the Law of Distress should not be held applicable to any holding under a tenancy created after the passing of the Act, unless made so by a written agreement between the landlord and tenant. Any landlord who did not choose to let his holding to a tenant without retaining the power of distress might do so if he pleased; but it would be necessary that there should be a written agreement to that effect. He therefore proposed, after Clause 63, to insert the following clause:—

(Distress.)

"It shall not be lawful for any landlord to make any distress for rent due out of any holding held under a tenancy created after the passing of this Act, unless such holding shall be so held under a lease or written agreement regulating the terms of such tenancy and giving a right of distress to the landlord."

Mr. PIM expressed a hope that before long the Law of Distress would be entirely abolished.

Mr. G. B. GREGORY said, he was opposed to the clause. He thought the expediency of altering the Law of Distress very questionable. Certainly, no sufficient grounds for altering it had been alleged on the other side. The Law of Distress had frequently operated beneficially even to the tenant, for it enabled the landlord to grant indulgences for payment of rent which would not be given but for the existence of that security.

DR. BALL said, he could not help thinking there was great force in the objections which had been urged to the abolition of the Law of Distress. The landlord would endeavour to fortify himself by some other security. He did not see why a landlord should be driven into the position of having an elaborate written instrument every time he let a tenancy under this Act from year to year.

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) said, he did not think the clause open to the objections which had been stated. He had always understood that the great objection to the Bill on the other side was that it did not leave to parties freedom of contract; but the new clause was not open to that objection.

Clause *agreed to*, and *added* to the Bill.

SIR TOLLEMACHE SINCLAIR moved the insertion of the following clause after Clause 3:—

(Landlord not to be liable to payment for disturbance when caused by refusal of tenant to pay increased rent approved by Court.)

"In case the landlord of any existing holding valued at less than one hundred pounds, or of any holding let after the passing of this Act, valued at less than fifty pounds, should demand an increase of rent for the following year from the tenant, to which the latter on receiving one month's written notice before the date of his yearly occupancy, refuses or delays to give his written consent within one month, it shall be lawful for the said landlord to summon the said tenant to appear in the Court constituted by this Act, in order that the judge may determine whether such increase of rent is reasonable or not.

"In the event of the judge deciding that the demand for such increased rent was not reasonable, and that the landlord does not intimate in writing, within one month, his willingness to accept the former rent, but proceeds to evict the tenant, he shall be liable to payment for disturbance, but if the judge decides that the demand of the landlord was reasonable, and if the tenant refuses or neglects to give his written consent to pay such increased rent within one month after such decision, the landlord may evict such tenant without any right on the part of the latter to compensation for disturbance, and on payment of the value of his improvements."

The process suggested in the Amendment simply anticipated the natural course of some of the events which would inevitably arise under the operation of the Bill. The Amendment did not propose that the Court should determine the precise annual value of the holding; but that it should decide whether the demand of the landlord was reasonable or not, and that was precisely the question that must be settled under the clause as it now stood. If the clause remained in its present shape, a landlord, who was advised by competent valuers that he was entitled to a rise of rent, would be obliged, in the event of a refusal on the part of the tenant, to serve him with a notice to quit, or renounce his just rights. On the removal taking place, the tenant would be entitled to claim compensation for disturbance if the Court should be of opinion, rightly or wrongly, that the additional rent demanded was excessive; and if the landlord, on finding, unexpectedly, that his demand was considered unreasonable, was to offer to allow the tenant to remain at the old rent, he might refuse to do so, alleging that he had arranged to emigrate, or to engage in some other business, and was now neither able nor willing to stay, and it would be obviously impossible to expect him to remain at the eleventh hour—in fact, when in the original Bill the landlord was allowed to escape the compensation for disturbance on tendering a 31 years' lease, it was considered unfair towards the tenant, and this proviso was expunged. To obviate that undesirable result, he proposed that a year before the time at which the tenant could be removed from his holding the landlord should give his tenant notice of his demand, and if it was not agreed to, he should have the power to bring the tenant into Court, and obtain a decision on its reasonableness or unreasonableness. If reasonable, the tenant would have to pay it, or go without compensation for disturbance; if unreasonable, the landlord would have to abandon it, or be liable to pay the compensation. It would be observed that his Amendment was simply permissive; and that whilst the prudent landlord would probably have recourse to it, and thus avoid altogether the costly and irritating process of serving a notice to quit where he only wanted a reasonable rise of rent, there would be nothing to prevent any bolder landlord from taking his risk under the clause as it stood. Without his Amendment no judicious landlord would venture to raise the rent on a £10 holding by £1, though the best valuers in Ireland might advise him that he might fairly add £3, as in the event of a Judge deciding that his demand was, to however small an extent, unreasonable, he would be liable to a penalty of £70, or more than three times the fee-simple value of the rise demanded. It could not be fairly objected to his proposal that it would give to the landlord an undue advantage, by enabling him alone to test the opinion of the Court on an augmentation of rent, without the risk of having to pay compensation for disturbance, as, under Clause 8, any tenant in Ireland by refusing to pay his rent, and on being served with notice of ejectment for non-payment, could equally obtain the opinion of the Court, whether his rent was too high or not—if it was considered too high, he could obtain compensation for disturbance; if it was thought reasonable, he had only to pay the amount in time, and he was entitled to remain in his holding; whilst, as to the legal expenses which he might incur, there were plenty of low attorneys who would conduct his case on the no cure no pay principle—in short, Clause 3, as it stood, would be fixity of tenure in fact, though not in name, without, however, the periodical revisions of rent which the advocates of that tenure always approved and recommended, and which was unaccompanied by any liability to compensation for disturbance.

Clause *brought up,* and read the first time.

Mr. CHICHESTER FORTESCUE said, he was unable to accept the clause, because it was quite inconsistent with one of the principles of the Bill, inasmuch as it would provoke controversies, previous to the time at which any question of a change of tenancy arose, on the subject of the amount of rent. Questions which would arise on a change of tenancy were provided for by an Amendment, of which Notice had been given by the hon. and learned Member for Richmond (Sir Roundell Palmer).

Motion made, and Question, "That the said Clause be now read a second time," put, and *negatived.*

Sir HERVEY BRUCE moved to insert, after Clause 11, the following clause:—

(Lettings in conacre.)

"For the purposes of this Act the letting by conacre shall be deemed a subletting where the same land is let oftener than once in four years, or is let for the planting of any crop but potatoes or other green crop."

The hon. Baronet said, his reason for again calling attention to this subject was that, in his opinion, it was not raised on a right principle when it came before the House on the former occasion. At the same time, he gave Notice that he did not intend to press an Amendment relating to Chairmen of counties, adding that the salaries he had proposed were named by himself, without communication with those gentlemen.

Clause *brought up,* and read the first time.

Mr. CHICHESTER FORTESCUE assumed that this proposal was literally within the forms of the House, or it would have been stopped by the Speaker; but it was unusual, as it would be inconvenient, for the House to reconsider its decision on a particular subject; and he could only refer the House to the decision already come to in Committee.

Motion made, and Question, "That the said Clause be now read a second time," put, and *negatived.*

Mr. W. H. GREGORY rose to propose the insertion, after Clause 11, of a clause prescribing—

"Conditions under which labourers' cottages may be erected upon any holding, without being deemed a subdivision or subletting of the land."

In proof of the strong feeling which prevailed on the subject of improved dwellings for labourers in Ireland, the hon. Gentleman stated that it was one of several subjects considered at an important meeting of Liberal Members held in the early part of the Session, at which it was resolved unanimously that some Amendment of a character similar to that should be brought forward. The terms of the clause he moved to insert were not in exact accordance with the resolution to which he had referred; but every hon. Member present at the meeting concurred in the opinion that the clause was not satisfactory as it stood. When the right hon. Gentleman at the head of the Government introduced the Bill, his speech embraced in earnestness and sincerity the consideration of an improvement in the condition of the labourers of Ireland, and not long ago a Report had been issued by the Poor Law Commissioners on the same subject.

This Report he had read. It gave a sad picture of the condition of that class of his countrymen, showing how miserable and reckless they were, and how discontented with their present position. It said the Irish labourer had two objects laid before him—either to obtain some small portion of land, or to make his way to the great Republic of the West. He feared there was much truth in what the Commissioners reported. There was, however, another side to the picture. He had witnessed the most remarkable change take place through the labourers being transferred from the wretched hovels in which they generally lived to comfortable dwellings where these were provided by the owner of the land; and the result invariably followed that the labourers rewarded the landlord for this accommodation with the best return they could make him—namely, a fair day's work for their wages. In his opinion sub-Section 2 of Clause 3 would have a contrary effect to that which was aimed at by the Bill. One great object of the Bill was to discourage subdivision; but under this sub-section no landlord, even if he had the eyes of Argus, would be able to prevent the subdivision of farms. Cottages would be run up under the pretext that they were for labourers, whereas they would be for sons, and sons' sons; and no remonstrance would have the slightest effect, for the tenant would flourish sub-Section 2 of Clause 3 in the landlord's face and bid him defiance. There was no desire on the part of the farmers to build for the accommodation of their labourers; but he earnestly asked the Committee to help to improve the condition of those persons, and provide them with tenements fit for human beings to inhabit. Hon. Gentlemen, unacquainted personally with Ireland, were scarcely aware of the wretchedness connected with the hovels in which labourers were generally placed; some of them were unfit to house a beast much less a human being. In one small village alone, in his neighbourhood, some 18 persons were recently down in fever in hovels of the description he referred to. As Chairman of the Board of Guardians of the Union, he sent a relieving officer to make inquiries. Five of the 18 persons died in dwellings without any roofs whatever, the rain having poured in on to the straw beds of the patients. These hovels were virtually those of labourers. The inhabitants gained their livelihood by work during a portion of the year. In order that this state of things might be effectually remedied, he brought forward for the consideration of the House a clause in which he would gladly accept any Amendment the Government or hon. Members might offer. His great object was to have some regulation for the proper structural arrangement of cottages. He agreed that the labourer should hold, if possible, from the landlord, and not from the tenant, for in the latter case he would be the mere bond-slave of the tenant. Tenants were very hard taskmasters, and they would ask the maximum of rent and give the minimum of wages. He might be told that this was not the time or the Bill for such a provision as he proposed; but the question was raised by the sub-section, and it was absolutely necessary to take care that the tenements which were sanctioned by the Bill were fit for habitation. The hon. Member concluded by moving, after Clause 11, to insert the following clause:—

(Conditions for erection of labourers' cottages.)

"The following shall be the conditions under which labourers' cottages may be erected upon any holding, without being deemed a subdivision or subletting of the land:—

"(a.) No tenant of any holding shall erect any labourer's cottage on his holding without first applying to the landlord or his known agent for liberty so to do;

"(b.) In case the landlord shall consent to erect the cottage at his own expense, the tenant shall not be at liberty to erect the same;

"(c.) In case the landlord shall decline to erect the cottage, the tenant may do so, provided the total of such cottages on such holding shall in no case exceed more than one cottage for every twenty-five acres of tillage land thereof, and provided also that no cottage shall be erected on any holding less than twenty-five acres of tillage land;

"(d.) All cottages erected for labourers either by the tenant or landlord shall be held directly from the landlord, and shall be subject to the provisions of 'The Cottier Tenant (Ireland) Act, 1856,' and in case the tenant shall have erected the cottage, he shall be allowed out of his rent the amount paid to the landlord, or such other sum as the Court shall think fit in case of dispute;

"(e.) To every cottage erected in pursuance of this Act a garden not exceeding one acre may be attached by the tenant of said holding, and in such case such garden shall be held direct from the landlord, and such allowance therefor shall be made to the tenant as, in case of disagreement, the Court shall award;

"(f.) In case of disturbance of any tenant in his holding, any labourer's cottage erected by the tenant under these regulations shall be deemed to

> be an improvement, and the tenant shall be entitled to compensation therefor;
>
> "(g.) The Court may, if it think fit, modify the structural requirements of labourers' cottages, as laid down in Clause eleven of 'The Cottier Tenant (Ireland) Act, 1856,' on the application of the person erecting the same, whether landlord or tenant."

Clause *brought up*, and read the first time.

Viscount ST. LAWRENCE supported the clause. He feared that five or 10 years hence there would be found an insufficient supply of labourers to meet the agricultural requirements of Ireland, and this clause gave the labourers some inducement to remain at home. The Bill gave great opportunities for making improvements on estates and for the reclamation of land; and he hoped a considerable portion of the £16,000,000 or £20,000,000 belonging to the tenant-farmers would, if opportunities be given, go towards the making of these improvements and reclamation. If, however, when the time came, there was an insufficiency of labour in Ireland, how could these works be carried out? From year to year, for some time past, there had been a gradual rise of wages in Ireland; but in the county of Dublin there was now actually in some localities a dearth of labour, and in other counties there was a difficulty in obtaining it, while only in a few was there anything like a balance between demand and supply. If emigration continued as rapidly as heretofore, this difficulty would be increased, and the clause now proposed ought, therefore, to receive favour from the Committee.

Mr. WHITWELL trusted that the Bill would not pass through the House without another most important ingredient in connection with the subject. It seemed that there were at least 479,000 agricultural labourers in Ireland; 386,000 other labourers who occupied cottages and, in some cases, small gardens; and no fewer than 80,000 living with their families in one room. In fact, in the country districts of Ireland, where land was worth only 35*s.* an acre, the same system of crowding existed as was found in London and our large towns. In a small town in the county of Cork there was a cottage intended for one family, in which four families, consisting of 27 individuals, were housed. Scores of houses, cottages, and tenements in that same town had been pulled down in order that settlements might not take place in the parish. The noble Lord (Viscount St. Lawrence) had told the House that labour in Ireland was now paid a higher rate of wages than a few years back; but he must have forgotten that the wages were so small that labour was paid very badly indeed. Labourers could, in fact, be hired at 4*s.* 6*d.* a week, with milk and potatoes; and out of these miserable wages rent had to be paid and the family supported. If labour was better paid than it used to be, the price of living had materially increased. Thus, it had been shown that, while the cost of maintaining paupers in an Irish workhouse a few years ago was 1*s.* 3½*d.* for food and 3*d.* for clothing, the present cost was 2*s.* 6¾*d.* for food and 6¼*d.* for clothing, so that the total cost was double what it used to be. It followed, therefore, that while wages might have increased 70 or 80 per cent, the actual cost of living had increased by 100 per cent. If the physical condition of the labourers had improved, their *morale* was not what it used to be; there was no longer in the Irish peasant the heartiness and cheerfulness which enabled a man to struggle with difficulty; but in their place you could not help observing a saddened expression of countenance, and a lack of the apparent happiness and contentment which once existed. And no wonder, because we were sending out of the country every year the cream of the labouring people. In 1868, 72,000 emigrants had left Ireland: of these, 23,000 men, between 20 and 25 years of age, emigrated, and 13,000 between 25 and 30; so that 36,000 men, between 20 and 30, had left the country, that being the period of life when they were most valuable to the country. Legislation had been tried with a view to provide better accommodation for the labourers in Ireland. In 1856 an Act was passed declaring that no cottage should in future be built of less than two rooms, or without casements, and there was to be a place at the end of the house for the pig and the muck. In 1860 another Act was passed, which expired in the present year, empowering landlords to borrow money from the State for the building of cottages. Although, however, a large sum of money had been advanced for land improvements in Ireland, only £51,000 had been taken up by owners of property for the purpose of building cottages, and only £414 of this had been borrowed last year. Any person who had travelled in Ireland was aware of the degraded condition in which the dwellings were allowed to remain. He trusted that the House would receive from the Government an assurance that something would be done in the matter. The extension of chargeability over the whole Unions would, he thought, accomplish the object. The question called for the interference of the House. In 1866 the net rental of lands sold in the Landed Estates Court was £68,350. They sold for 19 6-7th years' purchase, yielding £1,258,585. Then, in 1867, came disturbance, and lands of the net rental of £89,953 were thrown into the market, and they sold at only 16 8-9th years' purchase, yielding £1,578,307, or, in fact, £257,900 less in proportion than they would have done the year before. With a more quiet state of things in 1868, lands of the value of £72,689 net rental were sold, rising to 18 1-3rd years' purchase, and producing £1,382,108, or an increase of £125,000 on the market price of 1867. In the past year, for which Return he was indebted to the Registrar of the Court in Dublin, the sales were of land of a net rental of £67,968, and the proceeds were £1,168,857, or 17 1-5th years' rental, being £180,793 less than when land, in 1866, was sold under a more settled condition of Ireland. The sales in the Landed Estates Court might, therefore, be regarded as so many market quotations of the value of land, and of the sense of security in Ireland. During the last four years land to the value of £5,327,837 was sold, and had it realized 20 years' purchase, as in 1866, upwards of £750,000 would have been added to the total amount realized. He considered it of great importance that the condition of the labouring population should be, as far as possible, ameliorated, so that their eyes might be turned to this country, instead of to their "home across the water," as it was called. He had, therefore, great pleasure in supporting the Amendment of his hon. Friend the Member for Galway (Mr. W. H. Gregory).

MR. CHICHESTER FORTESCUE said, he strongly sympathized, and the Government strongly sympathized, with the object which his hon. Friend who had just sat down and his hon. Friend the Member for Galway had in view; and if the Government were unable to agree to the Motion it was simply because they did not believe that in this Bill it would produce the effect which was expected. The clause would not benefit the class they desired to benefit, and it would be a serious danger to tenant-farmers. What he had to put to his hon. Friend and to the House was, that these elaborate and carefully-constructed provisions for the benefit of the labourer had been built upon a foundation which was totally unable to bear them; for, at the point where it was proposed to introduce them, they were merely so many exceptions to an act of forfeiture which was altogether absolute, and without the slightest discretion left to the Judge. The Government, therefore, could not agree to the proposal, inasmuch as it would be a provision not for the benefit of the labourer, but a trap and snare for the tenant, into which, if he fell, he would lose the benefit of all claims under Clause 3. If his hon. Friend thought that by this proposition he would induce the Irish tenant-farmers to erect cottages for labourers and give the cottagers a garden, he submitted that the clause would have a directly contrary effect. Legislation upon this subject ought to be positive; and there were various ways, outside the present Bill, in which the condition of the labourer might be improved. The rigid requirements, for instance, of the Cottier Tenant Act, hitherto almost null and void, might be simplified, and something might be done as to the question of Union rating, upon which it was well known to many Members that he himself felt very strongly. Questions such as these ought to receive and would receive the careful consideration of Her Majesty's Government, and he knew no way, both in England and in Ireland, in which the condition of the labouring classes could be advanced with better promise of ultimate success than by studying these questions with a view to effectual legislation. He hoped his hon. Friend would rest satisfied with this assurance, and would not put the House to the trouble of dividing.

MR. M'CARTHY DOWNING regarded this as one of the most important

Amendments that could be introduced into the Bill, and regretted that, as on too many occasions when important provisions were proposed, the Government should decline to allow it to be introduced. The necessity for such an Amendment was clear from the fact that, though Parliament some years ago had agreed to advance at reasonable interest about £250,000 for the purpose of building labourers' cottages, but little of that money had been applied for, although in one place as many as three families were compelled to live in a single room. If the landlords would not build these cottages, facility for building them should be afforded to the tenant, and he, therefore, approved the principle embodied in the Amendment proposed by the hon. Member for Galway.

Mr. SYNAN said, that he was unable to agree with the clause, though he hoped that to dissent from it was no evidence of want of friendliness for the Irish cottagers. He considered that the provisions of the clause would be prejudicial to the tenantry, and would enable the landlords to take undue advantage of them. They would also tend to encourage subletting, and to sow the seed of division between the labourers and tenants.

Mr. O'REILLY said, he thought the alternative scheme proposed by the hon. Member for Galway possessed great advantages; because, if the landlord refused to build the labourer's cottage, the power would be lodged in the hands of the tenant, upon whom pressure could be brought to bear with a view to make the structures more habitable than they usually were at the present time. He quite agreed with his hon. Friend that if it were left to the tenant alone to build the labourer's cottage it would furnish a pretext for subletting, and be a trap for the tenant as well as the landlord. He hoped, therefore, the Chief Secretary would reconsider the matter.

Colonel FRENCH expressed the opinion that it would be anything but desirable to give encouragement to the setting up of a wretched class of cottages.

Mr. COGAN observed, that there was no necessity for introducing an element of opposition between labourer and tenant in this matter. He had not heard any good reason in the speech of the Chief Secretary for Ireland why an option should not be given in the first instance to the landlord. He feared that the system of cottage building for labourers would make the labourer the mere serf of the farmer upon whose land he lived.

Mr. GLADSTONE said, there were two questions very distinct indeed which had been satisfactorily brought to issue, the one in relation to the whole clause as it stood, and the other to limited portions of the clause comprised in sub-sections (a) and (b). The apprehension of the Government was that the addition of the clause as it stood would simply paralyze what had already been inserted in Clause 3, with regard to the erection of labourers' cottages by tenants. It was not credible that any tenant—unless he had just come out of a lunatic asylum, or was about to go into one—would consent to build cottages under the provisions of this clause. But with respect to the option that would be given to the landlord in sub-sections (a) and (b), the Government did not see any such objection to it as would induce them to resist the appeal of gentlemen highly competent to pass a judgment on the subject. The idea that was in his mind was this—that it would be better for the labourer to have a cottage erected for him, bad as it might be, for why should he go into it if he could do better? However, he would be glad to bring the discussion to an end by accepting the substance of sub-sections (a) and (b).

Lord JOHN MANNERS said, he had heard, with some satisfaction, the conclusion to which the right hon. Gentleman had come. The arguments, however, of the right hon. Gentleman against the proposal went to the root of the whole Bill, which was founded on an exception to the principles of political economy and of free agency. He regretted that the concession of the Government did not go far enough. It did not embrace two important points—namely, a provision to secure the ordinary decencies of life for the unfortunate peasants, who lived in miserable hovels, and some safeguard against the exaction of an exorbitant rent for the privilege of inhabiting them. No class in Ireland, he believed, was more deserving of the sympathy of the House than the peasantry; and he had watched with an almost painful attention that interesting discussion with respect to their dwellings, on the state of which their material, social, and moral welfare must so much depend. He rejoiced that at almost the last stage of the Bill that important question had been raised, and hoped it would be settled in a manner that would tend to ameliorate the condition of the Irish peasantry.

SIR JOHN GRAY said, some modification would be necessary in the part of the clause accepted by the Government, in order to make it effectual in its working, and to empower the tenant, if the landlord refused him permission to erect a labourer's cottage on his holding, to erect it in that case himself. There ought, he thought, also to be some provision as to the character of the building to be erected—as for example, requiring it to consist of two rooms at least, and the like.

SIR FREDERICK W. HEYGATE expressed his gratitude to the hon. Member for Galway for his benevolent proposal. He was glad that the Government had acceded to sub-sections (a) and (b); but thought that concession would be useless unless accompanied by some provision regarding the structural arrangements of the cottages, and trusted the hon. Member (Mr. W. H. Gregory) would take the sense of the House on the subject. The right hon. Gentleman at the head of the Government said he was surprised the labourers should take bad cottages when they might go elsewhere. But the fact was they had nowhere else to go. There was a constant struggle on the part of the farmers—and he was not surprised at it, considering the small size of many of their holdings—to drive the labourer down to the lowest point that would keep soul and body together. He would remind the House that the labourers constituted half the labouring population of Ireland. The Fenian movement was confined to that class, which was not surprising, considering how badly they were housed.

MR. M'MAHON said, he could not vote with the hon. Member for Galway, because his Amendment would restrict the power given to the tenant under the 3rd section of the Bill.

MR. BRUEN said, he hoped the hon. Member for Galway would persevere with that part of his proposition which would provide that the cottages of labourers should be up to a certain standard.

DR. BALL said, he could not allow this discussion to close without expressing a strong opinion in favour of the clause, especially of that sub-clause which had respect to the structural arrangements of the cottage. If there was no restriction put upon these erections, he was afraid they would see cottages run up like those in the north suburbs of Dublin, many of which, as he could state from his own knowledge, were not fit for the habitations of human beings. His belief was that these miserable residences tended to a lowering of the moral feeling of the people. The families became dead to all moral ideas and associations; while the men were to be found employing their Sundays in the public-houses, or playing at cards on the road sides. When he complained to the proprietors of this state of things, their answer invariably was—These are cottages over which we have no power; they do not belong to us, but to the tenant-farmers. He would say further that there was no use in leaving this question to the ordinary operation of supply and demand, for as Sir George Lewis said, there was a tendency in the Irish mind, the effect of which was that they would never improve unless an inspiration came from above.

Motion made, and Question put, "That the said Clause be now read a second time."

The House *divided*:—Ayes 42; Noes 59: Majority 17.

MR. M'MAHON moved to insert the following clause after Clause 64:—

(Compensation for improvements on eviction.)

"In all cases not herein before provided for, every occupier of land shall be entitled before eviction to recover from the owner thereof the present value of all improvements made thereon by such occupier or his predecessors in title, in good faith, or in ignorance of defects in the title under which the same was held."

The object of his clause was, that if it should be found the landlord's title was unsound, his tenant should be compensated by his successor for improvements made in good faith.

Clause *brought up*, and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

THE SOLICITOR GENERAL FOR IRELAND (Mr. DOWSE) objected to the clause, thinking it would open too wide a field to enter upon at the present stage of the Bill. Even if the principle of the clause were agreed to, it would require considerable amendment in order to carry out the intention which the hon. and learned Gentleman had in view.

Dr. BALL said, that it would be very dangerous to insert into the clause the words proposed, which were rather vague and general. The class of cases to which the Amendment was designed to apply already came within the competency of the Bill, and it would be well to leave them to be dealt with by the Bill.

Motion and Clause, by leave, *withdrawn.*

Mr. CHICHESTER FORTESCUE proposed the insertion of the word "waste," after the word "of," in line 9.

Amendment proposed, in page 3, line 9, after the word "of," to insert the word "waste." —(*Mr. Chichester Fortescue.*)

Mr. M'CARTHY DOWNING said, that the effect of the introduction of the word would limit the claim for compensation to the reclamation of waste land only, whereas there was a very large portion of land in Ireland which was not strictly waste, such as tracts known as snipe-shooting land, which were quite wet and rocky. Now, the removal of rocks was the best method of reclaiming land, and very often more expensive than thorough drainage. He asked the Secretary for Ireland to put in the words "waste and other lands," and then it would be left to the Chairman of Quarter Sessions to decide whether other lands which were reclaimed came within the meaning of the section or not.

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) said, his hon. Friend was in error in supposing that the proposed alteration would deprive the tenant of any right he might possess in regard to the reclamation of land other than waste land, because the improvements were defined at the end of the Bill as any improvements which added to the letting value of a holding. A distinction was, however, drawn between the reclamation of land and other improvements, and the object of the Amendment was merely to render more clear what had always been the intention of the Government in reference to this matter.

Mr. SYNAN said, the reclamation of land meant something very different from the reclamation of waste land. The Amendment made a material change, not in favour of the tenant, but in abridging improvements. There were some lands which, though not waste lands, were very nearly so, and if they were reclaimed by the tenant he ought to be paid for their reclamation. For once he was unconvinced by the ability and ingenuity of his hon. and learned Friend and he should therefore give his cordial support to the Amendment.

Sir ROUNDELL PALMER said, he thought the hon. Member for Limerick somewhat mistook, in the fervour of his eloquence, that which the Government proposed. It was not proposed to do away with compensation for improvements under the operation of the Improvements Clause, in the case of any species of reclamation; but that the reclamation of waste land should only be brought under that category of permanent improvements which stood on the same footing as permanent buildings. That, in his opinion, was a perfectly just proposal.

Mr. PELL thanked the Government for having introduced the word "waste." As the Bill stood before there was great confusion as to what was meant as between reclamation and general improvements.

Mr. CHICHESTER FORTESCUE pointed out that the Government had more than once in the course of the discussions in Committee promised to introduce some definition of the word "reclamation," and that they never intended it to apply to anything but reclamation properly and strictly so called.

Sir JOHN GRAY said, he had always understood that the reclamation for which the Government contended was, that which had been defined in the Acts of Parliament to which the Solicitor General for Ireland had so often referred when the Bill was in Committee. The reclamation of land, he maintained, meant something more than the draining of a bog or a morass. It meant, for instance, the removal of rocks as well as furze from ground which was not exactly waste, and which might have been used for the pasture of cattle. He knew a case in which some land, for which the tenants paid only from 4*s.* to 8*s.* per acre, was, by the expenditure of some £8 or £10 an acre upon it by the landlord, made worth £2 2*s.* an acre at the end of four or five years. Now, such reclamation as that would be excluded under the proposal of the Government.

Sir JOHN ESMONDE pointed out that in such a case as that just mentioned, the tenant could recoup himself for his outlay in four or five years, while with a 31 years' lease he could do much more than recoup himself.

Mr. KIRK said, there was a difference between waste land and bog. Bog land was land where turf could be cut; but waste land was land where the turf had already been cut off.

Mr. SHERLOCK suggested that if the tenant actually reclaimed land, which would be useless without his labour, although it might not come under the description of waste land, he ought to be entitled to compensation.

Mr. HINDE PALMER said, he thought it desirable that the words "or other land" should be inserted, or that the words "waste lands" should be omitted. English Members might not be fully acquainted with the local considerations affecting the matter; but they could use their common sense with regard to the statements of Irish Members that there was some land which required reclamation, while it could not properly be said to be waste, and thus they would be led to the conclusion that the tenant should be compensated for the work which he bestowed on such land. He could not admit that the word "improvement," as explained in the Interpretation Clause, would apply to such cases as had been mentioned, for it was used almost in contradistinction to reclamation.

Question put, "That the word 'waste' be there inserted."

The House *divided*:—Ayes 155; Noes 17: Majority 138.

Mr. M'MAHON moved, in Clause 3, sub-Section 2, page 3, line 21, after "the consent of the landlord," to leave out "in writing." He explained that the object of his Amendment was to enable the tenant to benefit by the 3rd section, even where he only received the verbal permission of the landlord, and to restore the Bill to the form in which it appeared when first introduced by the Government.

Amendment proposed, in page 3, line 21, after the word "landlord," to leave out the words "in writing." —(*Mr. M'Mahon.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. SHERLOCK opposed the Amendment, on the ground that verbal contracts led to litigation, and that a subletting was an important matter, which ought to be the subject of a written contract.

Sir JOHN GRAY thought the words "in writing," had better be retained.

Mr. M'MAHON said, he would withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Mr. CHICHESTER FORTESCUE proposed to add, at the end of sub-Section 2, words to the same effect as the two first conditions in the rejected clause of the hon. Member for Galway, in relation to the erection of labourers' cottages. The Amendment was as follows:—

"Provided no tenant of any holding shall erect any labourer's cottage on his holding without first applying to the landlord, or his known agent, for liberty to do so; and in case the landlord shall, within 12 months of such application, consent to erect the cottage at his own expense, the tenant shall not be at liberty to erect a cottage.

Sir JOHN GRAY proposed to amend the phrase, "by the act of his immediate landlord," by omitting "immediate" and inserting "the."

Amendment proposed, in page 4, line 1, to leave out the words "his immediate," and insert the word "the,"—(*Sir John Gray,*)—instead thereof.

Mr. CHICHESTER FORTESCUE said, the reasons for retaining the word "immediate" had been stated in Committee. This was a retrospective clause, which did not affect future tenancies, and he did not think they could go further.

Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed to.*

Mr. BRUEN proposed in Clause 6, page 6, line 42, to insert after "tenant" the words "on quitting his holding," the object of the Amendment being to provide that a tenant should not be entitled to receive compensation under the clause unless he quitted his holding.

Amendment proposed, in page 6, line 42, after the word "tenant," to insert the words "on quitting his holding."—(*Mr. Bruen.*)

The SOLICITOR GENERAL for IRELAND (Mr. Dowse) explained that the words were unnecessary, as the fair meaning of the clause was that a tenant should not be entitled to receive compensation until he had given up possession to the landlord.

Dr. BALL said, the words were in one clause, and they ought to be in the other, or there would be danger of producing confusion.

Mr. CHICHESTER FORTESCUE said, that the Compensation Clause was quite separate from Clause 3.

Question put, "That those words be there inserted."

The House *divided:*—Ayes 63; Noes 160: Majority 97.

Sir ROUNDELL PALMER proposed at the end of Clause 14 to add the following proviso—

"And, in any case in which compensation shall be claimed under section three of this Act, if it shall appear to the Court that the landlord has been willing to permit the tenant to continue in the occupation of his holding upon just and reasonable terms, and that such terms have been unreasonably refused by the tenant, the claim of the tenant to such compensation shall be disallowed."

The words of the clause were somewhat vague, and open to some uncertainty; but with the proviso there would be no doubt as to the principle by which the Court would be regulated.

Mr. JESSEL said, he thought the proviso quite as vague and indefinite as the original clause. For instance, it provided "if it shall appear to the Court that the landlord has been willing"—when? 10 years ago, or how long since?—"to permit the tenant to continue in the occupation of his holding"—for how long?—"upon just and reasonable terms,"—he was entirely at a loss to know the distinction between "just" and "reasonable;"—"and that such terms have been unreasonably refused"—how could the tenant reasonably refuse what was reasonable?—"the claim of the tenant to such compensation shall be disallowed." Why, if a tenant had been a little unreasonable, was the Court to deprive him of all compensation? He did not think the proviso would make the clause more easy of interpretation.

Dr. BALL supported the proviso. It certainly would assist in the interpretation of this clause. It clearly pointed out one principal matter in which the Judge was to exercise his discretion against the tenant—where the landlord had offered him fair terms of continuance in his holding. If the hon. Member for Dover (Mr. Jessel) had to construe the proviso as a Judge he would soon show there was no difficulty in it.

Mr. M'CARTHY DOWNING said, he would have some hesitation in opposing the Amendment, coming, as it did, from so high a quarter; but for the fact that the hon. and learned Member for Dover (Mr. Jessel) had strengthened the objection which he entertained to it.

Mr. O'REILLY said, he thought there was no difficulty in understanding the wording of the proposed Amendment; but the hon. and learned Member for Richmond (Sir Roundell Palmer) was willing to consent to an alteration which would make it read, as to the landlord, "has been and is willing," and as to the tenant, "have been and are unreasonably refused."

The SOLICITOR GENERAL for IRELAND (Mr. Dowse), on the part of the Government, accepted the Amendment as amended.

Amendment *agreed to.*

Clause 19 (Appeal from Civil Bill Court).

Mr. CHICHESTER FORTESCUE said, that the Bill, as it stood, required the hearing of every appeal to be before two Judges of Assize, which, upon reconsideration, was thought to be going too far. He accordingly proposed, in page 11, to leave out lines 23 and 24, and to insert these words—

"And every such appeal, so far as the same involves questions of fact, may be heard and determined by one of the said judges; but in case any question of law shall arise upon any such appeal, such question shall be heard and determined by both the said judges, who shall for such purpose sit together."

Amendment *agreed to.*

Mr. WREN-HOSKYNS, in proposing an Amendment in Clause 23, the object of which was to give the power to Irish landowners to grant to their tenants tenancies for life, expressed his belief that the insertion of such a provision would render the Bill more acceptable to the Irish tenant than it would be if it conferred solely the power of granting leases for 31 years, inasmuch as a tenant would usually prefer a lease for his own life to one for 31 years.

Amendment proposed, in page 14, line 6, after the word "periods," to insert the words "or for the life of the tenant."—(*Mr. Wren-Hoskyns.*)

MR. CHICHESTER FORTESCUE observed that this Bill was not a leasing Bill, and that the object which the hon. Gentleman sought to attain—that of putting the tenant for life on the same footing as the holder of a lease for 31 years—could not now be done, inasmuch as the matter had already been settled in a former portion of the Bill.

DR. BALL said, he had supported the hon. Gentleman on a former occasion, when he had made a similar proposal, and believed still that a lease for life would be regarded as more valuable than a lease for 31 years. When a man holding a lease for 31 years died, the small remaining interest was subject to probate, succession, and legacy duties; and, to his knowledge, the whole of the assets had frequently been wasted in a contest among the children with reference to the division of the property. Every one of those inconveniences would be obviated by a lease for life, a tenancy which, he believed, would be preferred in most cases. All the Amendment asked was to give the landlord and tenant the alternative power of agreeing to a lease for life.

MR. C. S. READ wished that the Government had originally adopted the very reasonable suggestion which was made by his hon. Friend the Member for Hereford (Mr. Wren-Hoskyns). A life tenancy was not only a popular term in Ireland, but a good agricultural term, as at the end of even a 31 years' lease there was a great temptation to exhaust the soil; whereas that temptation would be removed in a tenancy for life, as the tenant, like every other individual, would consider all men mortal but himself.

MR. J. ORMSBY-GORE trusted that the Government would not give way upon this point. He believed that, in the case of a tenancy for life, when the tenant became ill every endeavour would be made on the part of his relatives to get as much as possible out of the soil. The result of such a proposal as this being adopted would be bad for the landlord, bad for the tenant, and bad for the community.

Question, "That those words be there inserted" put, and *negatived.*

Clause 62 (Where value of premises does not exceed £4, immediate lessor to pay Grand Jury cess).

MR. CHARLEY, in moving that the clause be left out, said that Clauses 60 and 62 were both classed under the head of Miscellaneous; the reason being, in his opinion, that they were not germane to the subject-matter of the Bill. The latter clause operated most unfairly upon landlords of small tenancies valued at £4 and under, by throwing upon them the burden of the Grand Jury cess. No landlords were more to be pitied, as they had the least improving tenants, and they deserved great credit for not having exercised their power of ejectment. The Solicitor General for Ireland had stated that most of these small tenants were Roman Catholics, and as it was well known that the landlords were almost all Protestants, the fact that the power of ejectment had not been exercised showed the kindly feeling that existed. Instead of throwing a protection around the smaller tenants, this clause would expose them to the danger of eviction. He begged to move that the clause be omitted.

Amendment proposed, to leave out Clause 62.—(*Mr. Charley.*)

Question put, "That the Clause stand part of the Bill."

The House *divided*:—Ayes 201; Noes 74: Majority 127.

Bill to be read the third time upon *Monday* next, and to be *printed.* [Bill 145.]

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

NAVY—CASE OF COMMANDER GURDON.

RESOLUTION.

SIR JOHN HAY: Sir, I ask the kind indulgence of the House whilst I bring before it a subject of great importance—namely, the right of naval officers when on half-pay to exercise all the rights and privileges of English citizens.

The immediate cause of the Notice which I have given is to be found in a speech addressed by an hon. Member, whom I see present, to this House on the subject of the West African Squadron. He, with some geographical incoherence as it seemed to me, drew the House upon this Notice into a China debate, and then thought it his duty to comment in very disparaging terms upon the conduct of some naval officers in that part of the world, whose only fault seems to have been obedience to orders and gallant performance of duty. Two of these gallant seamen, Admiral Sir Henry Keppel and Commander Gurdon, are Norfolk men, of whom Norfolk is proud; and they were so well defended by their hon. Member on that night, that the hon. Member who brought forward the consideration of the West Coast of Africa Squadron stated to the House that he had no desire to attack their personal characters. Perhaps that hon. Member does not know how sensitive naval officers are as to their honour, and is not aware that to call naval officers pirates is attacking their honour. Be that as it may, Commander Gurdon, so soon as he saw the debate, and observed that his character had been maligned, did what many others do—he sought redress and relief in a letter addressed to *The Times*. The letter did him honour. It was temperate and discreet, and merely quoted official correspondence, then in the hands of hon. Members, to show that he had carried out the orders of his superiors in a gallant and faithful manner. Well, a few days after another hon. Member addressed a Question to the First Lord of the Admiralty as to the right of a naval officer on half-pay to write such a letter. I have consulted with my right hon. Friends the Members for Tyrone and Droitwich, and they say that to such Question they would have replied that the matter was beyond their jurisdiction, and that they had nothing to do with it. A Question indeed might, perhaps, have been addressed to you, Mr. Speaker, for Commander Gurdon, though in most respectful terms, did introduce the name of an hon. Member into his letter, and in so doing perhaps violated the privileges of this House. I am quite sure that you would have done all that might be needful to protect the freedom of debate; but as this indiscretion has frequently occurred of late, I am sure you would have done so without damaging the prospects of this gallant young officer. The First Lord of the Admiralty, however, returned an answer which very much surprised many right hon. and hon. Gentlemen who have been connected with the Board of Admiralty. As far as I recollect, the right hon. Gentleman the First Lord of the Admiralty replied in these terms to the Question of the hon. Member for Burnley (Mr. R. Shaw)—

> "I beg to say that my attention was drawn to a letter published in a newspaper by a Commander in the Navy commenting on debates in this House, and that by the 12th chapter of the Queen's Regulations officers are forbidden to write to any newspaper on subjects connected with the naval service, or publish, or cause to be published, directly or indirectly, in any newspaper or other periodical, any matter or thing relating to the public service. There is no doubt that the publication of that letter was not in accordance with the regulation I have just read; but I am bound to say that this regulation has been, both lately and for some time past, so frequently violated by officers of much higher rank than the officer to whom I presume my hon. Friend alludes, that I should think it far from fair if I took public notice of this letter, considering that others have committed the same irregularity without any notice being taken of it. Under these circumstances, it is not my intention to take any public notice of this proceeding; but the attention of myself and my Colleagues has been given to this subject, and before long we propose to take such steps with reference to the Queen's Regulations, as in our opinion will be advisable, with a view to preventing a repetition of irregularities in this respect."

Now, the House will observe in this reply three points which require its attention. First, the First Lord of the Admiralty asserts that naval officers on half-pay are not free to write letters to the public journals; second, he promises that Commander Gurdon shall not suffer for writing; third, that the Board are about to issue more stringent Regulations to prevent officers writing letters to the Press.

I propose to examine the second of these propositions first, to see in what way the Board keeps faith with naval officers, and how the First Lord has fulfilled his promise that Commander Gurdon should not suffer for doing what he had a perfect right to do. Commander Gurdon has written me a letter, which, with the permission of the House, I will now quote. It will show the manner in which he has been treated after the First Lord's public statement that no notice was to be taken of his having written a letter to a newspaper. With the permission of the House I will read an extract from Commander Gurdon's letter. He writes—

> "As I see that your question of any law against half-pay officers writing to the papers is coming on, I take the liberty of writing to acquaint you with the particulars of my case. I wrote what I believe everybody acknowledges a very temperate letter to two papers, pointing out several inaccuracies in Mr. Rylands' speech. Three or four days afterwards I went to the Admiralty to ask for the appointment of Commander of the *Clio*, which my old friend Commodore Stirling (whom I had served with previously) desired me to do. On asking Sir Sydney Dacres for the appointment, he said to me—'I shall not give you the appointment, Captain Gurdon, because you have been writing to the papers.' I mentioned that, being on half-pay, I conceived that I had a perfect right to do so, more especially as I had been attacked. Sir Sydney told me that I had no such right—that the Admiralty had determined to put a stop to officers writing in the papers, and then said—'You are not fit to be a commander of a ship if you write in the papers.' Commodore Stirling stated in his telegram to me that he expected to sail in three days. I may add that on my speaking to Sir Sydney Dacres three weeks before about this appointment, he then told me that Captain Stirling should have anyone he asked for as commander. On my reminding him of this he said—'Ah, but you had not written to the papers then.'"

This is the way in which the present Board fulfils the promises made by the First Lord to the House of Commons. Commander Gurdon is one of the youngest and most distinguished Commanders now on the list; yet, stung by the treatment he has received, he has resigned his commission. I perceive that the First Lord of the Admiralty shakes his head. I understand from this letter that Commander Gurdon has sent in his resignation. Of course, I cannot say whether the First Lord has accepted his resignation; but I am not surprised at his intention to resign after the scandalous treatment to which he has been subjected. I understand that the Admiralty, to avoid an unpleasant scrape, have stated that Commander Gurdon is too junior a commander to receive the appointment to the *Clio*. The House will judge of the value of this excuse, for if they look at the official *Navy List* they will find that Commanders Fisher, Durrant, and Sheepshanks are all junior to Commander Gurdon, but are all employed. But if the treatment of Commander Gurdon is scandalous and contrary to the pledge given by the First Lord to the House, I also contend that his whole reply is founded on an entire misapprehension of the law. The only clause which in any way forbids any naval officer to write a letter to the papers is the 12th clause of the Queen's Regulations. This clause is in the chapter on Discipline. It is as follows:—

> "Every person belonging to the Fleet is forbidden to write to any newspaper on subjects connected with the naval service."

The chapter on Discipline contains instructions to those who are embarked and employed in the Fleet on full-pay, and the Regulations themselves are addressed "To the Flag Officers, Captains, and Officers commanding Her Majesty's ships and vessels of war." A half-pay officer not only is not bound by them, but he may have no legal knowledge of their existence. Indeed, where, as in the case of receiving presents from those with whom he may have served, it is deemed desirable to guard against an officer retiring on half-pay to evade the Regulations, the phraseology is changed, and that clause is addressed to all the officers of Her Majesty's Navy. Indeed, if the right hon. Gentleman had turned to Article 70, the last clause of the chapter on Discipline, and generally considered to govern it, he would have found that Article 70 declares—

> "Officers, &c., shall, so long as they are borne on the books of the ship, be deemed to be persons in and belonging to Her Majesty's Navy, and subject, &c., to the Naval Discipline Act."

It will be seen from this that "belonging to the Fleet" and borne on the books of Her Majesty's ships must qualify the condition of naval officers over whose power to write letters the Admiralty can claim any control. Why, Sir, the only power the Admiralty has to issue and enforce these Regulations is contained in the Act for the Government of the Navy, passed in 1861, and the Naval Discipline Act, passed in 1864. Clause 83 of the Naval Discipline Act thus provides—

> "Every person in or belonging to Her Majesty's Navy, and borne on the books of one of Her Majesty's ships in commission, shall be subject to this Act; and all other persons hereby made liable thereto, and all spies, shall be triable and punishable under this Act;"

and the First Lord has no power whatever to extend the application of this law to officers on half-pay. No such attempt has been made for more than a century. In 1749, indeed, an attempt was made to bring half-pay officers under the authority of martial law; but it met with a defeat at the hands of the then House of Commons; and I trust that the present House will not be less vigilant for the rights and liberties of any class of Her Majesty's subjects than was its predecessor in 1749. I quote from *McArthur on Courts Martial*, Vol. I., cap. ix.—

> "The Bill for amending, explaining, and reducing into one Act of Parliament the laws relating to His Majesty's Navy, when it was first presented to the House (Feb. 1, 1749), contained an article rendering the half-pay officers subject to martial law, in the same manner as if they were on full-pay. As this was a subject that had never been canvassed, it met strong opposition. The reading of the Bill was put off till the 24th of February, at which time a petition was presented against it by Sir John Norris, and supported by Sir Peter Warren. This Petition was signed by three admirals and 47 captains. In the subsequent readings and progress of the Bill (April, 1749) this article occasioned warm debate, and the Minister, Mr. Pelham, beginning to apprehend some disagreeable consequences from the spirit then manifested without doors, yielded to the Opposition, and agreed that the article should be omitted."

Further on in the same volume it stated that in 1785—

> "The court-martial appointed to try General Ross respecting a letter written by him reflecting on General Boyd, met to receive the opinion of the 12 Judges on the point submitted to them—viz., whether General Ross, as an officer on half-pay, was subject to the tribunal of a court-martial. The Judges gave an unanimous opinion—'That he was not, as a half-pay officer, subject to military law.'"

The offence with which General Ross was charged was exactly the same as that with which Commander Gurdon has been charged; and I venture to say that if it was referred to the Bench of Judges they would affirm the judgment of their predecessors, and decide that the First Lord of the Admiralty has not only exceeded his powers but mistaken the law. The right hon. Gentleman has exceeded the most arbitrary act that any of his predecessors have ever attempted, for he has refused employment to Commander Gurdon, a most distinguished young officer, for having done that which he, being on half-pay, had a perfect right to do. A more unjust and uncalled-for act has, in my opinion, never been perpetrated by a Minister of the Crown. The subject of officers on half-pay writing to newspapers has come before the Admiralty on several occasions. When that very excellent scientific officer Captain Coles was on full-pay during the building of the *Captain*, he entered into a very stormy correspondence in the newspapers, which appeared to reflect upon the Admiralty; but even in that case the Admiralty did not take proceedings against him, but had merely cautioned him against a repetition of such conduct. In the case of another distinguished officer, known to many Members of this House, the late Sir William Bowles, who was appointed Commander-in-Chief at Portsmouth in 1863, and who became engaged in a correspondence in the newspapers, the Admiralty of the day, thinking it improper that the correspondence should be continued, Sir William Bowles resigned his command, and continued the correspondence as an officer on half-pay, a proceeding which the Admiralty felt they had no right to object to. The course which has been taken by the present First Lord of the Admiralty is not only unjust, but imprudent and impolitic, because it tends to induce officers to write to newspapers anonymously instead of under their own names. Should the officers cease to place their signatures at the foot of their letters to newspapers, it might be possible that they might attack their superiors more freely than is at present the case—not that I believe for a moment that those gallant gentlemen are likely to be guilty of such conduct. The right hon. Gentleman has taken the step he has done in this matter in order that he may attempt to introduce a regulation which has never been attempted since 1749. The right hon. Gentleman is the last person who ought to have attempted to stop officers writing to the newspapers, inasmuch as when he took the command of the Channel Fleet he took with him his own reporter on board his ship to write criticisms upon the conduct of gallant officers who, being officers on full-pay, were precluded from writing to the newspapers in their own defence. Under these circumstances, the right hon. Gentleman should be the last to attempt to muzzle those who, having been called "pirates," sought to defend themselves from the imputations cast upon them, and in making such an attempt he is doing that which he has no business to attempt. It is under these circumstances, and for the reasons I have assigned, that I beg to ask the right hon. Gentleman the First Lord of the Admiralty to lay upon the Table of the House any Regulation which prohibits Naval Officers on half-pay or retired pay from writing letters to the public journals; and to move, That any new Regulation on the subject which may be decided upon by the Board of Admiralty, be laid upon the Table of the House.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "any new Regulation prohibiting Naval Officers on half-pay or retired pay from writing letters to the public journals which may be decided upon by the Board of Admiralty be laid before this House,"—(*Sir John Hay*,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. CHILDERS: The hon. and gallant Gentleman who has spoken at so great length compared to what I had expected from him upon this subject, has ended his statement with a facetious remark, which is as little founded as I shall be able to show are the charges contained in the earlier part of his speech. He states that on a recent occasion, when the Admiralty went to sea with the combined fleets, I had employed a person on board the flag-ship as reporter for a certain newspaper, and that he made observations which could not be answered by the very numerous persons to whom they referred. I will at once dispose of that assertion by stating that on board several of the ships, by permission of the commanding officers, there were present persons who afterwards wrote very interesting accounts of what passed during the cruise, which appeared in the newspapers; but I was not responsible for what happened in this respect on board one ship more than another; and on the whole, the persons who wrote those accounts reflected more upon the Admiralty than upon anyone else. Therefore, I think I am justified in saying that upon that point, at all events, the hon. and gallant Gentleman has drawn upon his imagination. Passing from that subject, however, I will now proceed to deal with the main question of the hon. and gallant Gentleman. About two months ago a debate arose in this House, nominally upon the strength of the fleet upon the West Coast of Africa, but which really branched out into matters that related to the fleets generally. During that debate allusion was made to circumstances connected with several officers who had been employed upon the China Station, and two very young officers, whose conduct had been the subject of some correspondence during the previous year, and had not been entirely approved by the Admiralty, although they had exhibited very considerable gallantry, were particularly referred to. Under these circumstances it became my duty to defend these officers as well as other officers who had been personally alluded to in the course of the discussion. A day or two after that debate took place these two young officers felt disposed to write to the newspapers with the view of questioning the accuracy of some of the statements that had been made in the course of the debate. One of them having consulted a relative of his who has a seat in this House, was advised not to enter into such a correspondence, and he very properly acted upon that advice; the other, however, unfortunately did not take that prudent course, and wrote a letter to the newspapers on the subject on which he felt himself aggrieved. The attention of the public having been drawn to the subject, an hon. Member (Mr. R. Shaw) asked in this House whether it was my intention to take any notice of the letter written by that officer. The hon. and gallant Gentleman has pretty fully, but not quite accurately, as far as words go, given the substance of my reply to the Question. What I did state on that occasion was, that it had been of late, not unfrequently, the custom for officers to write letters to the newspapers of the nature of those that had been written by this gentleman, and that, therefore, I thought that it would have been very unfair if I had taken notice of this particular officer's conduct when others who had written similar letters had not been interfered with. I said that it was not my intention to do so, and I further stated generally what was the Admiralty Regulation upon this subject. The hon. and gallant Gentleman has, from these observations, jumped to a very wide conclusion — namely, that I intended or wished to bring half-pay officers under the Naval Discipline Act; and he has entered into an argument to show that for many years past it has been understood that officers on half-pay should not be subjected to naval discipline. I will not enter into any argument on the question, for every tyro in politics must know well that it is one of the most vital constitutional principles, that officers on half-pay are not subject to the Naval Discipline Act; and any First Lord of the Admiralty who attempted to bring an officer on half-pay before a court-martial would deserve the censure of this House. The hon. and gallant Gentleman, therefore, was quite wrong in assuming that I had any idea of subjecting officers on half-pay to naval discipline. There is, however, another, and a very different question—namely, whether officers on half-pay are in such a position that it is not competent for the Admiralty under any circumstances to take notice of anything done by them.

SIR JOHN HAY said, he was quite aware that in cases of felony and of conduct unbecoming a gentleman, the Admiralty would have power to take notice of the conduct of officers on half-pay.

MR. CHILDERS: Exactly; although I should have thought that it would scarcely have been necessary to consider whether the Admiralty could take notice of the conduct of officers who have been guilty of felony. But what would be the consequences of the doctrine laid down in his speech by the hon. and gallant Member? If the view of the hon. and gallant Member were carried out—and, except as to cases of felony, a half-pay officer was to be treated as an ordinary civilian in private life—what was there to prevent him from publishing information which he might have obtained while employed, or threatening to do so, or to enter into newspaper controversies, unless employment was given to him? Let me remind the House what a half-pay naval officer now is. At the present moment, to a considerable extent, and soon I hope almost universally, a half-pay officer is a public servant who has lately been on full-pay, and who is urging the Admiralty to re-employ him. Surely it cannot be said that he is, under those circumstances, to have no more reticence with respect to newspaper writing or controversies than any ordinary civilian. I will illustrate this by examples taken from other articles in the Queen's Instructions, which the hon. and gallant Gentleman says do not relate to half-pay officers. The article as to newspaper writing is the 12th in the chapter as to Discipline. The 13th forbids officers to receive presents from foreign Sovereigns or States. If this does not refer to half-pay officers, what is to prevent an officer the day after he strikes his flag or goes on half pay from receiving presents for service done while employed? So, the 12th article prohibits an officer from being "complimented" by presents or by collective expressions of opinion on the part of officers and men of the fleet. Will anyone pretend that the day after he goes on half-pay he would be allowed to receive such presents or testimonials? Again, the 11th article prohibits combinations of officers to bring about alterations of regulations, especially as to pay. Is it to be understood that while officers on full-pay may not combine to get their full pay raised, officers on half-pay may combine for such a purpose? Such a doctrine would be destructive of the discipline of the service. The real fact is, that while half-pay officers are not subject to naval discipline—that is to say, cannot be tried by court-martial, they are like all other public servants, bound to obey the lawful Regulations of the Service laid down by competent authority, and applying to them, and may be reprimanded or refused employment for breach of those Regulations. As to newspaper writing, this is by no means a new question. The matter has been very carefully considered, and decided in the most unmistakable manner by previous Boards of Admiralty. In 1849, Sir Charles Napier, while on half-pay, wrote several letters to Lord John Russell, then Prime Minister, through *The Times* newspaper, reflecting upon the administration of the Navy, and Sir Francis Baring, then First Lord of the Admiralty, with whom it appears he had had an interview and some conversation, wrote to him disapproving officially of the correspondence, and informing him that he had "set a most unfortunate example to the naval service, for having made such attacks on those to whom Her Majesty had intrusted the administration of the Navy," complimenting him "for his professional character, but doubting his discretion." This drew an impetuous letter from Sir Charles Napier to the Board, asking their protection against Sir Francis Baring's remark on his want of discretion. Sir Charles was informed in reply that, in the opinion of their Lordships, he had evinced considerable want of judgment and discretion in the publication of these letters. The Board at that period consisted of Admirals Deans-Dundas, and Berkeley, and Captains Lord John Hay and Milne. I have examined the Papers left on record at that period, and find the greatest unanimity of opinion among these officers on the subject. Admiral Dundas says—

> "I highly disapprove of the improper mode Sir Charles Napier has adopted of stating his opinion and grievances on naval affairs."

Admiral Berkeley says that "it is a bad example to junior officers." Lord John Hay states that he—

> "Cannot admit the circumstances of Sir Charles Napier being on half-pay sanction in any degree a practice dangerous to the discipline and best interests of the naval service."

Sir Alexander Milne, now in command of the Mediterranean Station, and Senior Naval Lord of the Admiralty during the last Administration—

> "Recommends that Sir Charles Napier should be informed that their Lordships deeply regret he should have adopted a course likely to prove mischievous in its results, and that by so doing he has shown a most pernicious example to the junior officers of the fleet, tending in a high degree to subvert the discipline of the service."

Nothing could be further from my wish than to prevent officers on half-pay writing temperately to newspapers, as long as the subject of their correspondence does not relate to their own services, but to matters connected with the service generally. I agree that the public often gains much from the free and open discussion of general naval questions by officers on half-pay; and it would be most impolitic to interfere with the absolute liberty of half-pay officers in this respect; but the discussion must be general and not personal to themselves. I admit that in parts of the Queen's Regulations there is considerable ambiguity with regard to their application to officers on half-pay, and it is desirable that that ambiguity should be cleared up. When we have an opportunity of revising the Regulations in this respect, care will be taken to lay down the principle which I have endeavoured to explain, and I should hope that the present misapprehension will be entirely removed. With regard to the particular officer whose letter is referred to, I have heard with some surprise the statement of the hon. and gallant Baronet. I have already stated in this House that it would be very unfair to punish that gentleman for an act which I think he ought not to have committed, but which had been committed by others, and which I did not intend to take notice of. He is, I believe, the youngest commander in the service, or, at all events, one of the youngest, being only 25 years of age, and it is very rare that officers of that rank are employed until they are three or four years older. He stands almost at the bottom of the list, and the House must remember how great would be the complaint from senior officers, who have been for years unemployed, if he were selected for employment on full-pay in preference to them. He was distinctly told when he applied for employment some time before he wrote this letter, that he must wait his turn, and I still see no reason why he should be appointed to a ship in preference to many others. If there has been any misunderstanding as to words used by officers at the Admiralty to this young officer I will do my best to set it right; but on the general question, I wish it to be perfectly clear that I have not the remotest intention of interfering with the absolute liberty of officers on half-pay to write temperately on any subject which does not relate to their own services.

Sir JAMES ELPHINSTONE remarked that he had never heard a clear statement from the right hon. Gentleman, who was an adept in that species of oratory which was only to be acquired in official circles. On the present occasion the right hon. Gentleman had utterly and entirely shirked the question. The hon. Gentleman (Mr. Rylands), who occupied the singular position of representing a minority, had endeavoured to distinguish himself by taking part in questions which he knew nothing whatever about; and, on this subject, he had only shown the most utter, and miserable, and wretched ignorance. The hon. Gentleman had brought forward a Motion for reducing our foreign squadron. He (Sir James Elphinstone) should like to know whether the hon. Gentleman ever saw a squadron? The hon. Genleman had calumniated two of the finest young officers in the service, making statements which were actually inconsistent with the facts of the case: he described the inhabitants of Formosa, who were the greatest miscreants in the world, as the "peaceful inhabitants of Formosa." Now, ever since he first went to sea, it had been as much as a man's life was worth to be wrecked on the island of Formosa. The natives were mere banditti, who defied the law of nations, and over whom the Chinese had no control. The hon. Member made the most calumnious accusations.

MR. CARNEGIE rose to Order. "Calumnious" was not a word which ought to be used by one hon. Member when speaking of the statements of another.

MR. SPEAKER said, the word had been called in question before, when it was not considered to be a word which was un-Parliamentary.

SIR JAMES ELPHINSTONE said, he would adopt any word which went as near the Parliamentary margin as possible to describe the statements of the hon. Gentleman. They were such statements as the hon. Gentleman could not possibly substantiate. This young gentleman, one of the most promising officers in the Navy, wrote a most temperate letter, explaining the real circumstances of the case. Thereupon the hon. Gentleman got a Friend of his to ask whether an officer on half-pay was permitted to write such a letter. Now, if he had been the First Lord of the Admiralty, he should have said that such a letter was perfectly right, because this had no analogy with the case of Sir Charles Napier and the other cases cited by the right hon. Gentleman. Sir Charles Napier was a great Friend of his; but, he was not a very subordinate officer, and sometimes said things which he could not justify, although he truly loved him. With regard, however, to the gentleman whose case was under discussion, it might be true that he was one of the youngest commanders in the service, but he was not one of the least distinguished, for, under the most difficult circumstances, he had shown more than ordinary ability and gallantry, and he ought not to have been treated in the way in which he had been. The right hon. Gentleman, at all events, ought not to complain of what had been done, considering that he himself in his celebrated cruise had employed a reporter, who dated his letters from the gun-room of the *Minotaur*, and who enjoyed the sherry and biscuits and other luxuries which were usually found in a gun-room. The right hon. Gentleman, on that occasion, hoisted the Admiralty flag, and took upon himself the whole functions of an admiral of 50 years' service, though he had not been a Member of the House for 10 years. None of the right hon. Gentleman's predecessors, he believed, had ever hoisted the Admiral's flag. ["Question!"] As the House was about to discuss the Navy Estimates, he would take the opportunity of making a few more remarks. ["Order!"]

MR. SPEAKER pointed out that the subject under discussion was the Amendment moved by the hon. and gallant officer (Sir John Hay).

SIR JAMES ELPHINSTONE said, he would support that Amendment, and reserve his other remarks for a future occasion.

MR. RYLANDS said, that he would not follow the example of the hon. and gallant Member (Sir James Elphinstone) by using language calculated to excite animosity, nor would he descend to the use of personalities; but he would content himself by telling the hon. and gallant Member that the right by which he (Mr. Rylands) held his seat in that House was quite as good as the right by which the hon. and gallant Member held his seat. The hon. and gallant Member had charged him with ignorance; but he was not concerned at that, as he recollected that when Mr. Cobden in that House condemned the extravagant expenditure upon the Navy, there were always hon. and gallant Admirals on the other side who got up and told him that he knew nothing of what he was talking about. As he was now charged with being ignorant, he might return the compliment to the hon. and gallant Baronet, who had evidently never read the despatches upon which his statements were founded, and was quite ignorant of the Papers which had been laid upon the Table of the House. He (Mr. Rylands) stated no facts which were not contained in those Papers. And he must take exception to the remark made by the right hon. Gentleman the First Lord, that the Admiralty had "not entirely approved" of the conduct of the young officers at Formosa. The fact was, that the Admiralty entirely condemned the conduct of those officers. ["No, no!"] Well, as there seemed to be some doubt upon that matter, he would read to the House some extracts from the despatches which he held in his hand, and which were contained in the Blue Book presented last Session. On February 23, 1869, Mr. Hammond, under the direction of the Foreign Secretary, wrote to the Secretary to the Admiralty in these terms—

> "There was clearly no occasion for these two subordinate officers to commit any acts of hostility whatever; any danger to life or property was, for the time at least, at an end, and had been so for many weeks; the question at issue was the amount of reparation which might be due to be ascertained by local inquiry, and not one to be adjusted by a precipitate recourse to reprisals by a subordinate, civil, or naval officer."

Lord Clarendon further instructed Mr. Hammond to state to the Lords of the Admiralty that—

> "His Lordship strongly disapproves of the proceedings on the part of the British officers concerned, and he sincerely trusts that the instructions recently sent to China will prevent the recurrence of these unnecessary acts of violence. Equally reprehensible in Lord Clarendon's view are the many particulars stated in the correspondence, whether as regards the guarantee of 40,000 dollars demanded by the Commander of the *Algerine*, or the two sums of 5,000 dollars each, one under the title of indemnity for expenditure of warlike stores in attacking the Chinese fort, the other under that of prize money, which were exacted from the Chinese authorities."

Lord Clarendon directed that these sums of money should be immediately returned to the Chinese, and the conduct of the British officers "disavowed." The Admiralty sent out this letter of Lord Clarendon to Sir Henry Keppel, the Admiral of the Chinese station, and concurred in this "unmistakeable" judgment upon Lieutenant Gurdon's conduct. He (Mr. Rylands) thought he safely considered that these despatches entirely justified the statements he made on a former occasion. But his object in drawing attention to the subject was to condemn the line of conduct pursued in China, and not from the slightest wish to injure Lieutenant Gurdon. Nor did he desire that any further notice should be taken of that gallant officer's letter to the papers, though he entirely supported the action of the Admiralty in the matter. The effect of Commander Gurdon's letter was to justify his conduct at Formosa, which had been condemned by his official superiors; and it must be contrary to the proper discipline of the Navy if officers were allowed to act in this manner, and he hoped, therefore, that the House would support the First Lord of the Admiralty in laying down such rules as would prevent in future insubordinate criticism in the newspapers on the part of members of the public service, in defence of conduct which had met with animadversion from their superiors.

SIR JOHN PAKINGTON said, he should merely allude to the cruise of his right hon. Friend the First Lord of the Admiralty with the Channel Squadron last year so far as to express a hope that the precedent then set would not be followed by anyone holding the same position in future. The precedent of Sir Charles Napier was not, in his opinion, applicable in the present instance, inasmuch as, if he remembered rightly, the letters of that gallant officer were written to the Board of Admiralty, and strongly censured not only the Board but Her Majesty's Government; whereas in the case under discussion the letter written was written by a gallant officer solely in defence of his own honour, which had been most unjustly and improperly assailed by the hon. Gentleman opposite. But the point to which he wished particularly to draw attention was the discrepancy between the language of the First Lord of the Admiralty with regard to Commander Gurdon and the treatment which that officer received at the hands of the First Naval Lord. His right hon. Friend opposite, if he remembered rightly, told the House that Commander Gurdon should not suffer for his conduct in China; but he had suffered. There seemed to be some great mystery in the case; but it, at all events, appeared that Commodore Stirling offered Commander Gurdon the command of the *Clio* when he was appointed to the Australian Station, and that when he went to the Admiralty to claim the command Sir Sydney Dacres said — "You cannot have it; you have written a letter to the newspapers." It was no use, therefore, to say that Commander Gurdon would not suffer, for he actually had suffered, and that, notwithstanding the First Lord of the Admiralty had declared in that House that he should not. Those facts did not, in his opinion, speak well for the new state of things at the Admiralty.

MR. CHILDERS explained that Commander Gurdon was distinctly informed, in answer to his own application, some days before the letter to the newspapers was written, that he would not be appointed to the *Clio*.

MR. GURDON REBOW stated that on behalf of his relative he had applied for the appointment some days before the letter was written, and he had been told by the right hon. Gentleman (Mr. Childers) that he could not have it because he was not advanced enough in the service.

Mr. R. W. DUFF asked whether, in accordance with the custom of the service, Commodore Stirling had not a right to nominate an officer to a command under him?

Mr. CHILDERS: A commodore very frequently applies to be allowed to appoint his own commander; but it by no means follows that his application for a particular officer will be complied with, especially when that officer has been told on his own application that he cannot have the appointment.

Admiral ERSKINE said, he would have accepted in silence his right hon. Friend's disclaimer of any intention of extending military law to half-pay officers, but for the expressions that had fallen from the hon. Member for Warrington; and he was astonished to hear from any Member on the Liberal side of the House—and especially from one below the Gangway—a desire expressed to restrict free discussion among any class of Her Majesty's subjects. The hon. Member wished to tie the hands of naval officers in order that he might attack them with impunity. Did he also propose to apply to the Foreign Office for a similar restriction in the case of those Consuls in China whose conduct he had impugned? Officers in the Navy had certainly taken alarm in consequence of its being understood that Commander Gurdon had been refused employment solely on account of his having written a defence of his conduct in the newspapers. He (Admiral Erskine) was ready to admit that nothing could excuse the betrayal of official correspondence on the part of any officer, and that the Admiralty would be fully justified in noticing such an offence. But Commander Gurdon's letter was a moderate and modest statement, in which the only official communications alluded to were portions of published correspondence from our Minister and the Minister for the United States; and, in fact, his justification was that he had obeyed the orders of his superiors. But this was not merely a naval question, but one for the constituencies; and, as representing a large constituency, he claimed—although a half-pay officer—the fullest right to correspond publicly on any subject or in any manner he pleased, and he hoped we should hear no more of any proposed restrictions. His hon. and gallant Friend opposite (Sir John Hay) had alluded to attacks on officers made in the public prints during the late cruise of the First Lord of the Admiralty, by a gentleman writing from the very flag-ship of the Lord High Admiral, and who was himself at the time subject to military law, as being borne on that ship's books; whilst the officers so attacked were prohibited by the Queen's Regulations from making any reply to his censures. He (Admiral Erskine) had, in common with many naval men, read some of that gentleman's effusions with much amusement. In language strange to nautical ears he told us how one ship sailed "through the lee of another;" how, when the wind drew on one quarter of the fleet, studding-sails were set on the "opposite side;" and, in one of his last letters, he described, with great praise, a brilliant manœvure, when one ship was laid alongside of another, by what he called "flattening in the topsail-sheets," an operation which he would be bound to say nobody in the fleet understood but himself, unless it were the waggish midshipman who probably suggested the expression. As long as he confined himself to such topics, no great harm was done. Seamen, or even men who had ever seen a ship at a distance, smiled at such nonsense; whilst old ladies at their tea-tables were doubtless astonished at his learning, and wondered "how one small head could carry all he knew." But when it came to praise or to blame, the gentleman used no such ambiguous language. Officers of the highest rank and position were clearly designated and held up to public censure for acts of the most trifling character, and which it was clear, from what he had said before, he could know nothing about; whilst others, with whom he probably came into closer and more hospitable contact, were more favourably mentioned; whilst neither the one nor the other had the power to repudiate his praise or deny his right of censure. He put it to his right hon. Friend whether the toleration, on his part, of such proceedings was not injurious to his own authority, misleading to the public, and unjust to officers; and if this debate had the effect of stopping them for the future, besides having elicited from his right hon. Friend a repudiation of any intention to restrict the rights of a class of men as loyal and as amenable to authority as any of Her Majesty's subjects, some good would have been achieved by the discussion.

MR. C. S. READ believed it to be the right of every Englishman to write to *The Times;* but the privilege of having a letter inserted was a very limited one, and he saw no reason why calumniated half-pay officers should be deprived of that privilege. With regard to Commander Gurdon, a blight had been thrown over the prospects of one of the most rising young officers in the Navy. The right hon. Gentleman had said that Commander Gurdon's promotion should not be retarded, and he (Mr. Read) hoped that employment would be offered him directly, which would be the best possible means of removing the impression that he had been unfairly treated by the Admiralty.

Amendment and Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn.*

Committee *deferred* till *To-morrow.*

GENERAL POLICE AND IMPROVEMENT (SCOTLAND) SUPPLEMENTAL BILL.

On Motion of The LORD ADVOCATE, Bill to confirm Provisional Orders under "The General Police and Improvement (Scotland) Act, 1862," relating to the burghs of Dunfermline, Perth, and Leith, *ordered* to be brought in by The LORD ADVOCATE and Mr. ADAM.

Bill *presented,* and read the first time. [Bill 147.]

INLAND REVENUE ACTS REPEAL BILL.

Bill "for the Repeal of certain Enactments relating to the Inland Revenue," *presented,* and read the first time. [Bill 146.]

House adjourned at qarter before Two o'clock.

HOUSE OF LORDS,

Friday, 27*th May,* 1870.

MINUTES.]—SELECT COMMITTEE—*Report*—Sequestration * (115).

PUBLIC BILLS—*First Reading*—Irish Land*(113); Ecclesiastical Dilapidations (No. 2) * (114); Union of Benefices Amendment (1870) * (118); Benefices Resignation * (119).

Second Reading—ChurchwardensLiability*(101); Ecclesiastical Titles Act Repeal (105); Mortgage Debenture Act (1865) Amendment * (89); Bridgwater and Beverley Disfranchisement (87).

Committee—Report—Bankrupt Law Amendment (Ireland)* (61-117); Railways (Powers and Construction) * (96).

Report—Sequestration * (116).

Withdrawn—Ecclesiastical Dilapidations * (94); New Parishes Acts Amendment (1870)* (108).

DOMINION OF CANADA—INVASION BY FENIANS.—QUESTION.

THE EARL OF CARNARVON: I hope the noble Earl the Secretary for the Colonies, in accordance with a private intimation that I have given him, will allow me to put a Question to him on the very serious news which has lately arrived from Canada. Judging from the telegrams which have been received, the circumstances are most grave. I trust the noble Earl will not think it ungenerous if I venture to remind him that when, two months ago, I brought before your Lordships the question of our Colonial policy—

EARL GRANVILLE: I shall be glad to answer any Question as to facts; but the noble Earl has not given any Notice, and I think, therefore, he is rather out of order in prefacing it by a speech.

THE EARL OF CARNARVON: I have not the slightest inclination to make a speech; but it is the practice of the House that noble Lords should be permitted to offer to the House any observations that may be really necessary to enable them to explain their Question. I was about to remind the noble Earl of the remarks I made some time ago as to the possibility of a Fenian outrage, and my words have been only too well justified, for we learn that within the last two or three days considerable bodies of Fenians have crossed the frontiers, and that an engagement, though one in which happily little blood has been spilt, has taken place. As far as I can judge from the reports that have been received the invaders have been eminently unsuccessful, and the Canadians have gallantly repulsed them. What I wish to ask is this serious Question, Whether, in the present state of affairs, the noble Earl is prepared to carry out the orders which he announced had been given for the recall of the regiments remaining in Canada? Those regiments are very few indeed. I believe there are not more than three regiments stationed in Canada, their total force hardly amounting to 2,000 men. Over and above this we know that the insurrection in the Red River Colony has involved the sending of a military expedition — an expedition very difficult and very dangerous—which has withdrawn from Canada a farther regiment of some 400 or 500 men. Then, again, while on the Canadian side there are great difficulties owing to the exposure of a long line of frontier, and the comparative absence of railroads, on the United States' side there are many railroads, enabling the Fenians to bring up their force in almost any strength and to throw it on almost any point of the Canadian territory. In the face of all this it seems to me—hazardous and dangerous as it was originally—still more hazardous and dangerous to recall the troops. I may express what I believe is the feeling of everybody in this House — a feeling of the utmost sympathy with the Canadians in these unprovoked attacks upon them, and of admiration of their gallantry and courage in defending themselves. But we should bear in mind that this quarrel, if ever there was one, is a quarrel Imperial in its nature. It is not a local, it is not a Colonial quarrel, for it is the connection with England which has brought this upon the Canadians. If, therefore, at this moment the miserably scanty force which remains in Canada is to be farther curtailed or withdrawn, we shall place ourselves in a position which I should be sorry for this country to occupy. A great responsibility rests on the noble Earl—

LORD LYVEDEN: I rise to Order. The noble Earl is not simply asking a question of urgency, but is entering on a discussion on a question of policy, and I submit that he is not in order in doing so without having given Notice. It is wasting time to enter upon a matter which cannot, under such circumstances, be properly entertained.

THE EARL OF CARNARVON: I am not, I submit, wasting your Lordships' time. The matter is one of urgency, and I am simply following the practice which has been observed by almost every noble Lord who now sits on the Treasury Bench over and over again in my recollection. ["No, no!] But I have now said all I desire to say, and I am, therefore quite content to put my Question, Whether the noble Earl is prepared to suspend, at all events, for the present, the recall of the troops which still remain in Canada?

EARL GRANVILLE: I feel it right, in the first place, to protest against the statement of the noble Earl, that it is the constant practice of noble Lords on this side of the House so totally to disregard the recommendations of the Select Committee as I humbly submit the noble Earl has done this evening. Your Lordships will remember that the noble Duke opposite (the Duke of Richmond), the Leader of the Opposition, interrupted me the other day when I was absolutely confining myself to a simple statement of facts, in consequence of news having arrived on which a question had been put to me by my noble Friend behind me (Lord Lyveden). The noble Earl opposite began by boasting of his superior power of prophecy over mine; I deny that his prophecy has been verified—but I will not go into that. He then went off to other topics, and warned me of the great responsibility resting upon me. Now, I expected, and I believe it would have been simply in accordance with the wish of your Lordships, that he would ask me what news had arrived from Canada, and would also put the simple question, whether there was any intention of making any change with regard to the disposal of the Imperial troops. I think the public are aware of the general nature of the facts. There seems no doubt that the attack from St. Albans has signally failed; but whether it is the principal attack or not it is impossible to say. Although the Rifle Brigade, of which a member of the Royal Family is an officer, were moved up in that direction, the repulse was effected by the Canadian Militia in the most admirable and gallant manner. Lives of Fenians have been lost; and I own—I hope it is not un-Christian to say so—that I cannot regret lives being lost, even of those miserable dupes who have been led into the most wanton, senseless, and indefensible outrage which it is possible to imagine. With regard to the attack on Huntingdon, the accounts up to this moment are rather contradictory. It is difficult to imagine what object there could be in making that attack. The only object which these brigands—I cannot call them anything else—could have in view would be some plundering of farmhouses and the possible destruction of Government property. With regard to the reported movement of another portion of the Fenians from Buffalo, no news has reached us, and it is almost impossible that Sir John Young should not have been informed of it if any such movement had been made. I trust, therefore, that the report will turn out to be unfounded. I am happy to say that the American Government have not only issued a proclamation, but have also advanced troops towards the frontier, and have put in prison, on a charge of violating the Neutrality Laws, the so-called General O'Neill. I do not wish to prophecy, but I think it is probable that there will be an utter collapse of this unfortunate movement. I am bound to remark on the admirable way in which the Canadian Militia has immediately rushed to the scene of action—which is the more remarkable considering the false alarms which have lately been circulated. Only three weeks ago there was a false alarm, which involved a great expense in bringing out a very large number of Militia from their homes. With regard to the particular Question put by the noble Earl—the withdrawal of the troops from Canada—there is no change whatever in the policy of Her Majesty's Government; but I yesterday morning requested the War Office and the Admiralty to issue orders suspending any direction for the recall of troops during the continuance of this Fenian raid.

LORD CAIRNS: The information which has been elicited by my noble Friend's Question is so valuable that I am surprised the noble Earl, before my noble Friend had uttered a single sentence, should have interposed.

EARL GRANVILLE: My interruption was on account of the noble Earl's proceeding to make a speech, in which he pointed out that a prophecy made by him some three months ago had been fulfilled.

LORD CAIRNS: The noble Earl has forgotten exactly what occurred. His interruption was at the beginning of the Question, and before my noble Friend had expressed any opinion. The noble Earl has recalled to our recollection—and not for the first time—the Order adopted on the recommendation of the Select Committee. Now, we ought to be extremely careful lest, under the pretence of that very doubtful and vaguely expressed Order, we abandon our liberties and privileges in cases of urgency, and as to which information is desirable, and abstain from asking for it. In this case it was impossible that my noble Friend should have given any Notice in compliance with that Order, for the House has not sat since Tuesday evening, and the information which the noble Earl has been able to give has arrived since. It was only natural that my noble Friend should have made some remarks in order to impress on the Government the course he is anxious they should take, and from which his Question derived the chief part of its value. My noble Friend has done good service by the course he has taken.

EARL GREY: I think it is very desirable that the recommendation of the Select Committee should be adhered to. Under the old system great inconvenience arose from remarks being made for which the greater part of the House were not prepared; and it constantly happened that discussions arose on these matters immediately before a quarter past 5, and went to great length, interfering with the regular business. It was felt on all sides that this was a great abuse, and after full deliberation the Committee unanimously adopted the Resolution referred to. That Resolution expressly reserves Questions for information which are of urgent importance. To put such Questions is perfectly fair and proper; but it is entirely departing from the proper rule of the House, and is most inconvenient with regard to the orderly conduct of our proceedings, for Questions to be prefaced by observations calculated to provoke a reply and lead to a discussion for which the greater part of the House is not prepared. I am sure the noble Earl (the Earl of Carnarvon) will, on reflection, admit that the observations with which he prefaced his Question were calculated to lead to a reply, and to tempt other noble Lords to go at some length into the subject. With regard to Colonial policy, I am prepared to go much further than the noble Earl; but a discussion on questions of Colonial policy should not be raised without due notice.

THE DUKE OF RICHMOND: I must say I was surprised when the noble Lord (Lord Lyveden) rose to Order, for he himself on a former occasion put himself, as I thought, out of Order by asking a Question. The noble Earl (Earl Granville) on that occasion thought I was complaining of his answer, whereas I thought it was the noble Lord's Question which was out of order. I do not wish to prolong this discussion; but I will take the opportunity of putting another Question, which, I hope, will lead to no discussion—namely, when the noble Earl proposes to recommend that we should adjourn for the Whitsuntide Recess?

Lord LYVEDEN remarked that, on the occasion referred to by the noble Duke, he put his question without a single word of preface—which he contended was strictly in accordance with the recommendation of the Committee.

The Marquess of SALISBURY: I cannot speak as to the ancient practice of the House; but during the time I have been a Member of it this recommendation has been the cause of more wrangling than anything else, and if the interpretation of the noble Earl (Earl Grey) is to be put upon it, the sooner it is wiped out from our records the better. I believe the Committee was appointed with the somewhat futile object of bringing our proceedings more into conformity with those of the House of Commons. Now, if we are not able at any moment, in cases of urgency, to bring up any subject we think fit, we are in a position very inferior to that of the other House, where, by moving the adjournment, a Member may bring forward any matter deemed urgent. I, for one, do not intend to observe the rule laid down by the noble Earl.

The Earl of MALMESBURY: Having, I am sorry to say, been a Member of the House longer than many on this Bench, and longer than almost anyone on the Bench opposite, I have not for the last 30 years observed any of the inconveniences stated by the noble Earl (Earl Grey). I think the noble Earl opposite (Earl Granville), who has as much tact and knowledge of the world as any man I know, will agree with me that this is entirely a question of discretion. The House could not expect that my noble Friend (the Earl of Carnarvon) should curtly ask whether the troops in Canada would be withdrawn. Questions frequently cannot be put properly and courteously without some preliminary remarks.

Earl STANHOPE regretted that the noble Marquess (the Marquess of Salisbury) had expressed a strong opinion against the recommendation of the Committee.

The Marquess of SALISBURY explained that he had simply said it was the cause of many wrangles.

Earl STANHOPE said, that occasions had arisen when great embarrassment had been caused by putting Questions without notice. He remembered an important Question on the *Alabama* claims being brought forward without the slightest notice; and the Committee, in view of cases of this kind, recommended that Questions should not be put without notice, except in cases of urgency. The recommendation of the Committee excluded Questions of urgency, and he did not think the noble Earl (the Earl of Carnarvon) had at all exceeded the proper limits on this occasion.

The Marquess of CLANRICARDE moved that the debate be adjourned. Quite enough had been said, and it was time to proceed with the Orders of the Day.

PUBLIC BUSINESS—THE WHITSUNTIDE RECESS.

THE IRISH LAND BILL.

Earl GRANVILLE: Before we proceed with the Orders of the Day, perhaps the House will allow me to give an answer to the noble Duke (the Duke of Richmond), on a subject on which I trust there will be more unanimity and not so warm and exciting a discussion as there has been on what appears a simple and excellent rule. I have great hopes that the Irish Land Bill will reach your Lordships at the beginning of next week, and in that case I shall propose that we adjourn on Tuesday evening, and meet again on the Monday week following—the 13th of June. Considering that your Lordships will have had the Bill before you for nearly a fortnight, I propose—unless the noble Duke sees great objection to it—to fix the second reading for Monday, the 13th.

ECCLESIASTICAL TITLES ACT REPEAL BILL—(No. 105.)

(*The Lord Privy Seal.*)

SECOND READING.

Order of the Day for the Second Reading, read.

The Earl of **KIMBERLEY**, in moving that the Bill be now read the second time, said: My Lords, the object of this Bill is to repeal the Ecclesiastical Titles Act of 1861. That Act is very short, containing only four clauses. The 1st clause declares and enacts that any brief or bull proceeding from the Pope, pretending to establish any jurisdiction in this country, shall be deemed unlawful and void. The 2nd imposes a penalty of £100 on the procuring or putting in use any such brief or bull; and on any person, other than a person authorized by law, who shall assume any ecclesiastical title of any city, town, or district — no suit, however, being brought without the consent of the Attorney General. The 3rd clause, which is not quite consistent with the rest of the Act, relieves from penalties the Bishops of the Scotch Episcopal Church; and the 4th reserves the operation of the Charitable Bequests Act of 1844. I need hardly recall the circumstances under which the Act of 1851 was passed. Most of us can remember the excitement which was caused by the promulgation, in September, 1850, of the Pope's Bull, the great agitation which followed throughout the country, and the protracted debates in Parliament which resulted in the passing of the Act. That excitement having long passed away, I am quite sure that your Lordships will now discuss the subject on both sides in a spirit of calmness and impartiality. I will first state what have been the practical results of the Act; secondly, the special circumstances which, in the opinion of the Government, necessitate its repeal; and thirdly, what the position of the law will be in the event of this Bill being passed. Now, as regards the enforcement of any penalties, the Act has been a dead letter, for no one has been sued for any penalty under it; but I by no means imply that the Act has been altogether ineffectual. It has, unfortunately, been the cause of considerable inconvenience, and has, perhaps, to some extent, accomplished the intentions of its promoters. As the penalties apply only to persons assuming the titles, the Act has not prevented the Bishops of the Roman Catholic Church, whether in England or Ireland, from being generally, and I may add ostentatiously, called by the sees of which they profess to be Bishops. The Bishops themselves have, in this country, generally observed the law; but in Ireland the case is different, and it has not been much observed. Indeed, it was stated by Dr. Moriarty, a very distinguished Roman Catholic Prelate, before a Committee of the other House, that great inconveniences would result from its strict observance by the Bishops, and that such observance was, in point of fact, impossible. There have been some other consequences; it is alleged, for instance, that inconvenience has resulted with regard to bequests, for it has not been possible so to describe Bishops of the Roman Catholic Church that property could be vested in them to be held by successive Bishops for charitable purposes. I am bound to say that that inconvenience has been exaggerated, and that a Committee of this House was quite justified in reporting that, although inconvenience had been felt, and much circumlocution had had to be resorted to in constituting trusts under which these charities should be held, in practice no serious evil had arisen. In Ireland, under the Charitable Bequests Act, which is specially saved by the 4th clause, machinery is provided by which Roman Catholic charities are regulated without inconvenience. If, however, these results have not been such as to cause any serious evil, I cannot say as much for the general effect of the Act—especially in Ireland. As soon as it passed very great irritation was produced; and whereas previously there had been friendly intercourse between the Roman Catholic Bishops and the Irish Government, it is not too much to say that such intercourse then almost entirely ceased. I am aware that when the noble Duke opposite (the Duke of Abercorn) was Lord Lieutenant there was an instance of intercourse between Cardinal Cullen and the Government; but Cardinal Cullen having a title to which the Act does not apply, his position is an exceptional one. Any one of your Lordships on either side of the House who has been responsible for the Government of Ireland must have felt the cessation of that friendly intercourse as a serious evil. Whatever we may think of the opinions of the Roman Catholic hierarchy, we must all be aware that they certainly exercise great influence over the majority of the people of Ireland who are Roman Catholics; and though it is not necessary that the Government should conform to their advice, it is desirable that, in the event of points in their policy affecting Roman Catholics, it should communicate with their Prelates in a free and friendly way, in order to hear their objections, to remove them if possible, and to be on the same footing with them as with all other classes of Her Majesty's subjects. I consider, therefore, that the result of the Act in this respect has been most prejudicial to the Government of Ireland, and that alone, I hold, would make its repeal expedient. A person exceedingly well qualified to speak on this point, the present Lord Chancellor of Ireland, in his evidence before the Select Committee of the House of Commons, said—

> "As the law now stands, I see no reason to expect that there will be a renewal of cordial personal intercourse between people in authority in secular affairs and those who rule the Catholic Church in a spiritual fashion. I think that is a great calamity, especially in a country like Ireland, as there, in a special manner for the purpose of arranging social affairs and maintaining law and order, you want all the help which can be got from any quarter."

Now, everyone who has in any degree been connected with the Irish Government will agree that in Ireland all the help we can get from any quarter is not too much in order to maintain law and order. I am bound, however, to admit that these were not the views which were taken of this subject by the Committee of your Lordships' House which sat in 1868, which reported by a majority against a repeal of the Act; though the Committee of the other House in 1867 decided by the casting vote of the Chairman to recommend such repeal. If the matter stood now as it did then, I should have to contend against the authority of the former Committee. But circumstances have greatly changed. The Church of Ireland has been disestablished; and I contend that this circumstance amounts to a special reason for the repeal of the Act of 1851. In the first place, after the 1st of January next, apart from the titles of precedence enjoyed by particular individuals who then hold bishoprics, and who are saved by a special clause in last year's Act, Bishops who may be appointed in that Church will come under the provisions of the Act of 1851. Dr. Leslie, for example, who was recently consecrated Bishop of Kilmore, may at present use that title; but after the 1st of January he will be liable to penalties if he does so. It is impossible then, as your Lordships will see, that the law can remain unaltered. We might, no doubt, exempt the Bishops of the Protestant Church in Ireland in the same way as the Bishops of the Scotch Episcopal Church; but after your Lordships—many of you at the sacrifice of strong personal feelings—have destroyed the Irish Establishment, in order by a great act of justice to remove all grounds of discontent as regards equality in matters of religion, could you maintain this one vestige of inequality, that the Protestant Bishops should be exempted from the penalties to which Irish Bishops are exposed from the Act of 1851? I am sure no one in this House would deem such a course expedient. It would, indeed, be a melancholy result if, after that great act, we were to leave a miserable shred of disability as a source of constant irritation to those whom we have made such great sacrifices to conciliate. For these reasons the Government have introduced this Bill for the repeal of the Act of 1851. I will now proceed to describe what I conceive the state of the law will be if your Lordships assent, as I trust you will, to the passing of this Bill. In the first place, let me observe that the Bill does not propose to deal with the clause in the Emancipation Act of 1829, which prohibits the assumption by Roman Catholics of any title held by a Bishop of the Established Church, the object of which cannot be better explained than by quoting Sir Robert Peel's remarks in introducing that measure. He said—

> "I propose that the episcopal titles and names made use of in the Church of England shall not be assumed by bishops of the Roman Catholic Church. . . . . . I maintain it is not seemly or decorous for them to use the styles and titles that properly belong to prelates of the Established Church."—[2 *Hansard*, xx. 776.]

I do not profess to attach much importance to that clause; but when applying a remedy to a particular evil the remedy need not go further than that evil. After next January the clause will not apply to any Irish Bishop; for as there will be no bishoprics established by law in Ireland there will be no titles which the Bishops of any Church will be prohibited from assuming. As regards England, the people of this country are naturally sensitive on this matter; and I doubt whether any of your Lordships would not feel some annoyance—though that word is not strong enough—if a Roman Catholic Prelate took the title, for instance, of Archbishop of Canterbury. If ever—which I do not think is probable—the Roman Catholics should be so ill-advised as to take such a step, I am sure it would cause a revival of agitation among the Protestant people of England which might lead to unfortunate measures being taken. When, moreover, the Roman Catholic authorities were establishing their hierarchy in England in 1850, special care was taken—and that justice must be done to the Pope—not to infringe the clause of 1829 by conferring on their Bishops titles of sees identical with those of the Established Church. I know that there was one apparent exception—St. David's; but, as was explained in the evidence taken by the Committee, though that is the official title, the title by which that Prelate is known is Bishop of Newport, which was adopted in order to avoid clashing with the see of St. David's. As to what will be the state of the law if the Bill passes, I speak with great diffidence—especially as I am to be followed by a noble and learned Lord who, I regret to say, has given Notice of an Amendment for the rejection of this Bill. Instead, therefore, of asking your Lordships to rely on my opinion, I will quote an authority which I think noble Lords opposite will recognize. Dr. Ball, Attorney General for Ireland under the late Government, in answer to a question by a Member of the Committee (Earl Granville) said—

> "The view I take of the law is this—looking only to the Acts of Henry VIII. declaring the Crown's supremacy; in particular the 26 *Henry* VIII., c. 1, in England, corresponding to the 28 *Henry* VIII. c. 5 in Ireland, my opinion is, that from the time those statutes were passed (and they are declaratory Acts) by the law of England, any such documents as are described in the first section of this Act were absolutely null and void. To make this more certain, there is an Act of Henry VIII., the 28 *Henry* VIII. c. 16, which was repealed by Philip and Mary, and was revived by the 1 *Eliz.* c. 1, which is absolute and express as to the nullity of those bulls, briefs, and rescripts. The law I take to be exactly the same in England and Ireland, because the 28 *Henry* VIII. c. 5, Irish, is precisely the same as the 26 *Henry* VIII. c. 1, English—that is, as to the supremacy of the Sovereign; and, supposing that a clause of a declaratory Act in England were omitted in an Irish Act, in my opinion the Irish Courts would still be bound to construe the law according to the English Act, because the English Parliament, having declared the common law by that Act, and not created a new right or a new enactment, that would operate in the Courts in Ireland to determine what was the rule of the common law. Therefore, I take it that as regards the law in England and Ireland, even though there might be some variance of the words in some of the statutes on this subject in each country, the same principle would apply in both, and that from the reign of Henry VIII. the proposition affirmed in the first clause of the Ecclesiastical Titles Assumption Act is absolute and undoubted law."

By the common law, therefore, the bulls and briefs prohibited by the Act of 1851 are illegal, and the further enactments declaring the common law are still in force. I am aware that in 1844 the penalties imposed by some of those enactments were abolished; but I believe that against which they were directed is still a misdemeanour. The Bill I now propose is carefully guarded both by a proviso and a Preamble. The Preamble expressly states that—

> "It is not competent for any foreign Prince, Prelate, or Potentate, or any other person whomsoever other than the Sovereign of this realm, to confer any title, rank, or precedence, or any anthority or jurisdiction whatsoever, over the subjects of the realm, and all assumption of such authority or jurisdiction is wholly void."

That repeats in a formal manner the declaration that, in proposing to Parliament to repeal the Ecclesiastical Titles Act, we do not intend to affect the general law of the country as it existed previous to the passing of that Act. There is also a provision in the Bill which touches specially upon the titles proposed to be created in 1851, and says that—

> "Such repeal shall not, nor shall anything in this Act contained, be deemed in any way to authorize or sanction the conferring or attempting to confer any rank, title, or precedence, authority or jurisdiction, on or over any subject of this realm by any foreign Prince, Prelate, or Potentate, or person whomsoever other than the Sovereign of this realm."

The result, therefore, of this Bill will be that, while the penalty specially imposed by the Act of 1851 on any person assuming a title contrary to that Act will no longer be retained, the general law of the country, declaring that no foreign jurisdiction shall have any power or dominion in this country, will remain precisely as it was before. I have always understood that the main object of the Act of 1851 was to protest against what was termed the Papal aggression; and, as far as it was a protest, I think it was a not unnatural protest upon the part of the people of this country, and that it was probably unavoidable for the Government and for the Parliament of that day that they should join in giving expression to this deep and general feeling by their solemn declaration. Looking back upon what has occurred, it is perhaps to be regretted that this protest did not assume the form of a declaratory Act, or of an Address to the Throne by both Houses, which would have accomplished the same object and have been free from the objections that are raised to this Act. But, be that as it may, I should be extremely sorry if it were understood that, by this Bill, Parliament and the country were receding in any manner from that attitude which they have ever maintained both before and since the Reformation—an attitude of steady and resolute resistance to any encroachment or any attempt to establish jurisdiction in this country by any foreign Power whatever. I wish to add one word more. I should be sorry that any misconstruction should be put upon my motives because I am the mover of this Bill. Nothing can be further from my wish than to say a word that would hurt or wound the feelings of my Roman Catholic fellow-subjects in the slightest degree. I have been always earnestly desirous that they should enjoy the fullest share of religious freedom and perfect equality of civil rights with all other subjects of the Queen; but I am at the same time bound to add that no man can be more strongly opposed than I am to the system of the Roman Catholic Church. And if it were possible that my aversion to it could be increased this would have been done by the extravagant pretensions put forward by the Court of Rome in the *Syllabus* and *Schema* which have lately appeared, pretensions which if they could be—and happily they cannot be—carried out would, I believe, be fatal to civilization, and would stop the whole current of human progress. If I thought the Ecclesiastical Titles Bill could in the slightest degree diminish our power to resist such pretensions as these I would be no party to a Bill for the repeal of that Act; but believing, as I do, that the Act adds no security to the enjoyment of our own religion, at the same time that it causes great irritation to a considerable number of Her Majesty's subjects, and that the law, after this Act is repealed, will be quite sufficient to mark the determination of the English people that no foreign jurisdiction shall be exercised in this country, I trust the House will agree to the Motion for the second reading of the Bill.

Moved, "That the Bill be now read 2ª."—(*The Lord Privy Seal.*)

LORD ST. LEONARDS said, that he was one of the supporters of the Act of 1851, and he then made a compact with himself that if, in his lifetime, any attempt were made to repeal that Act, whatever might be his position, and even though he might have retired from public life, while Providence enabled him to come down to the House and give a vote he would steadily oppose the attempt. It had pleased Providence to prolong his life to the present time, and he had now come down to redeem his pledge. It was necessary to remind their Lordships of the circumstances which had led to the passing of that measure. At that time, the feeling of the country was expressed in so outspoken and unmistakable a manner on the encroachments which led to the measure, that no Government that ever existed, however strong, would have dared to run counter to the national convictions. It so happened that he could speak as strongly as anyone as to the feeling of the country in December, 1850, after the Brief of the Pope and Cardinal Wiseman's Letter had been published in this country. He had never in his life attended an open-air public meeting, except when he was addressing his constituents as a Member of the other House; but, on this occasion, he did attend, as a simple country gentleman, a meeting that was summoned in his own county to take into consideration the propriety of opposing those measures of the Pope and the pretensions of the Cardinal. There was a large and most respectable meeting, and when they knew that he was there they did him the honour to ask him to move one of the Resolutions. He wished their Lordships could have heard the sound of the voices of many, many hundreds of men, and the applause which they gave to everything that was said tending to oppose the encroachments of the Bishop of Rome in this country. Now how did the matter stand? They all recollected the arguments which were used in favour of the Act for the Relief of the Roman Catholics, and they knew that that Act contained a clause which prohibited the Roman Catholics from taking the titles of the sees appropriated to the Church of England. This assumption was prohibited under a penalty of £100, but it was never enforced. Now he had heard it asked, as an argument both against that Bill and the Bill it was now sought to repeal—what was the use of retaining a law the penalties of which were never put in execution. He thought then, and he thought still, that if there was anything which was more creditable than another to Protestant England—for this country was still Protestant England, and in spite of the manœuvres of the Pope of Rome it would continue to be Protestant England—it was this—that when once the law upon the subject had been authoritatively declared, once it had been laid down that the attempted exercise of power by the Pope of Rome was illegal and void, the country rested satisfied with that knowledge, and no attempt had been made to enforce the pecuniary penalty. That, their Lordships were aware, was a strong fact, because if ever there was a powerful feeling on a great public question in this country, it was upon this point, that the people would not allow themselves to be dominated over by the Pope of Rome. Great offence had been taken over all England, and the Government of that day could not have maintained their position for a moment if they had refused to satisfy the people of England upon the point. The noble Earl opposite (the Earl of Kimberley) had not met the real question in this case. This was not a question of religion, but a question of power—of whether Protestant interests in this country were to be upheld, or whether the Pope of Rome should be permitted to cut and carve this kingdom at his pleasure, and send whomsoever he might please to dominate over us. The country did not desire to interpose the slightest obstacle to the freest enjoyment by Roman Catholics of the religion which they professed; but they had meant, did mean, and would continue to mean, that demands by the Pope or his Ministers for control and power over this country should never be acceded to. What was it that England, with such determination, resolved to put down in 1851? He did not wish to use harsh expressions, and would not say it was the trickery, but it was certainly the manœuvring, the evasion of the laws of England, by which the Romish Bishops sought to establish their own power. This was done in the face and in spite of the law of England. How was it managed? In this way. The Pope of Rome thought to give an authority which he had just the same power to give as anybody standing in the street at this moment had—he sent his brief and his Prince Cardinals to cut and carve all England into new archbishoprics, new bishoprics, and new deaneries, which archbishoprics, bishoprics, and deaneries were not only illegal, but void. His first act was to create a new archbishopric — the Archbishopric of Westminster. And as if the fact of such an institution was not sufficiently startling, the way in which it was referred to by the Cardinal was rather remarkable. He spoke of it, of course, with great admiration, and what he said was this—"Time may end, but the Roman Catholic Church never will end." Then he said — "The time never can come when the Archbishopric of Westminster will be without an Archbishop; but the time may come when Canterbury may be without an Archbishop." That is, we have against all law an Archbishop of Westminster; and it will last for ever. Such is the Cardinal's comparison of the power of the Pope with the power of the Queen, the Legislature, and the people of England. "We," he says, "have created an Archbishopric of Westminster—you have no Archbishop of Westminster." No doubt the power of the Crown could create one to-morrow; but in what situation would he stand? "We have an Archbishop of Westminster, and you have none." What were the feelings of their Lordships as well as of the country at large when this outrage—as he must call it—was committed? He well remembered his own feelings on the occasion. He felt as if he had been struck to the heart. The author of that outrage was at this moment claiming, while on earth, the attributes which belonged to God in

Heaven alone. The outrage, he repeated, caused great excitement among the people of England, and the Government which was then in Office could not have existed a week had they not passed the measure which it was now proposed to repeal. What was the nature of that Act? The noble Earl (the Earl of Kimberley) had cautiously avoided telling them anything whatever on the subject. What did the Act say? The first part of the Act recited—

> "That divers of the Queen's Roman Catholic subjects have assumed to themselves the titles of Archbishop and Bishops of a pretended province and of pretended sees or dioceses within the United Kingdom, under cover of an alleged authority given to them for that purpose by certain briefs, rescripts, or letters apostolical purporting to have been given at Rome on the 29th of September, 1850."

Secondly, it recited the 10 *Geo.* IV., c. 7, which makes it penal for any person, other than those authorized by law, to assume the name, style, or title of Archbishop of any province, Bishop of any bishopric, or Dean of any deanery in England or Ireland. Thirdly, it recited that—

> "It may be doubted whether the recited enactments extended to the assumption of the title of Archbishop of a pretended province or diocese, or Archbishop or Bishop of a city, place, or territory, or Dean of any pretended deanery in England or Ireland, not being the see, province, or diocese of any Archbishop or Bishop, or deanery of any Dean recognized by law; but the attempt to establish under colour of authority from the See of Rome or otherwise such pretended sees, provinces, dioceses, or deaneries is illegal and void; and that it was expedient to prohibit the assumption of such titles in respect of any places within the United Kingdom."

The Act then enacted that all such briefs, rescripts, or letters apostolical, and all the jurisdiction, authority, pre-eminence, or title conferred, or pretended to be conferred, thereby, are and shall be deemed unlawful and void. And then penalties were imposed for breach of the law. He would now ask what had happened since the passing of that Act to justify its repeal? Had the Roman Catholic Church become less encroaching? Was its position in England less strong than it used to be? Let their Lordships bear in mind what had been the nature of recent legislation, and what was its bearing on the question which they now had to decide. The great Act of last Session at one fell swoop took away £16,000,000 of the property belonging to the Irish Church, and cut off that Church from the United Church of England and Ireland. It destroyed that part of the Union of England and Ireland, and thereby gave confidence to those who desired to see an end put to the connection between the two countries. It also removed the Irish Bishops from the House of Lords; and if ever there was an Irish grievance that certainly was one. Could any encouragement be derived from these circumstances for the repeal of the Act? Would not its simple and unconditional repeal be equivalent to saying that the Pope of Rome had taken no improper step when he parcelled out this country into different dioceses? Accepting the proposition contained in the Preamble of the Bill, that—

> "It is not necessary or expedient to impose penalties upon those ministers of religion who may, as among the several religious bodies to which they belong, be designated by distinctions regarded as titles of office."

Whatever that might mean, he urged that, as the bishoprics against which the Act was directed were pretended bishoprics which had no legal existence, there was no hardship in enforcing the Act. The noble Lord concluded by moving that the Bill be read a second time that day six months.

Amendment *moved*, to leave out ("now") and insert ("this day six months.")—(*The Lord St. Leonards.*)

Earl RUSSELL said, that being the person who had introduced into the other House of Parliament the Act which it was now proposed to repeal, he deemed it his duty to ask their Lordships' attention for a few moments. He must say that, knowing what was now taking place at Rome, the present was a most unfortunate time to introduce this Bill. He objected, however, far more to the manner in which the Bill was drawn than to the Bill itself. The Preamble would be proper to a Bill which proposed to abolish pecuniary penalties upon persons illegally assuming the titles of Archbishop and Bishop, and he thought that if the Bill were confined to the Preamble and the simple repeal of the statute it would be much better. But he did not suppose the Government would persist in adhering to the exact form in which the Bill was drawn, and he trusted that when it came into Committee they would amend it and make it more consonant with reason and precedent. The Bill was remarkable for omitting that which it ought to contain, and containing that which ought to be omitted. The Ecclesiastical Titles Act was founded upon a previous Act, the 10 *Geo.* IV., commonly known as the Roman Catholic Emancipation Act. By this it was enacted that if any person, after the commencement of that Act, other than persons authorized by the law, should assume or use the name, style, or title of Archbishop of any province, Bishop of any bishopric, or Dean of any deanery in England or Ireland, he should for every such offence forfeit and pay the sum of £100. When, in 1850, what was popularly called "the Papal Aggression" was made, and the Government of the day had to consider what they should do, they naturally looked into the state of the law with regard to existing provinces and sees, and they found in the statute book this previous Act, sanctioned by the authority of Sir Robert Peel and the Duke of Wellington. He should have been very well content himself, and he believed the Government of the day would have been very well content to have passed a declaratory Resolution, declaring the title of Archbishop of Westminster and the other titles then assumed to be void; but they found that it could not be effectual without some alteration of the law. Therefore, in framing the Ecclesiastical Titles Act, he had taken the Act of George IV. for his model, and Parliament was asked to enact, and did enact, that every person who assumed the title of Archbishop or Bishop of any pretended province or see, whether it was the actual seat of any Archbishop or Bishop, or not, should be subject to a penalty of £100. If this Bill was to be in a proper form, it was absolutely necessary that the Act of George IV. should be recited, and an end put to it also. That Act could not be new to the Government, because he had brought it under the notice of his noble Friend last year or the year before. The Lord Privy Seal said that the titles of the Irish Protestant Bishops could not be assumed by the Roman Catholics until after January 1, 1871. But the Bill disestablishing the Irish Church preserved the titles enjoyed by the Bishops of that Church during their lives. Unless, therefore, all these Bishops died by the 31st of December, 1870, there would be Bishops in Ireland holding the titles lawfully, and any persons assuming those titles would be liable to a penalty of £100. Was that the intention of the Government? He could not believe it was. If they objected to the legal penalty, let them do away with it in that case. The noble and learned Lord (Lord St. Leonards) had said truly that the persons who drew the Bill had tried to evade the difficulties instead of meeting them, and had avoided speaking the open truth. The Bill recited that—

> "It is not competent for any foreign Prince, Prelate, or Potentate, or other person whomsoever other than the Sovereign of this realm, to confer any title, rank or precedence, or any authority or jurisdiction whatsoever, over the subjects of the realm, and all assumption of such authority or jurisdiction is wholly void; but it is not necessary or expedient to impose penalties upon those ministers of religion who may, as among the members of the several religious bodies to which they respectively belong, be designated by distinctions regarded as titles of office, although such designations may be connected with the name of some town or place within the realm."

Now, did this recital describe truly that which the persons named by the Pope had assumed? Quite the contrary. According to the evidence of many persons examined before the Committee on this subject, the Papal authority proposed to nominate Archbishops to certain provinces and Bishops to certain sees in this country—their view being that no other Archbishop or Bishop existed in those provinces or sees. It was felt in 1851 that you could not have two Bishops in one see; that one Bishop was the lawful authority there, and there could be no other. Take the City of Westminster, for example. If he were asked in what see Westminster was situated, he should say that it formed part of the diocese of London, and that the Bishop of London, and no other person, had authority and jurisdiction there. But if a Roman Catholic were asked the same question, he would say —"The gentleman you call the Bishop of London is not in Holy Orders at all, and the only person who has jurisdiction in Westminster is the Roman Catholic Archbishop of that city." Their Lordships would feel that these two pretensions could not be properly recognized side by side. It could not be said that it was a matter of courtesy in such a case to call a man Archbishop of Westminster or not—it was a question of jurisdiction and authority; and this could only be given by the Crown, and was not the prerogative of any foreign Prince. Who would not say that the title and authority was vested in the person nominated by our Gracious Sovereign? Who would say that the office could be filled by one appointed by a foreign Prince? He had no doubt which alternative their Lordships would choose. There could be no doubt of their Lordships' opinion that the Bishop of London had the right to exercise this authority, while the Archbishop of Westminster had no right whatever. Now, the Bill certainly declared that no foreign Prince, Prelate, or Potentate could confer any title, rank, or precedence, or any authority or jurisdiction over the subjects of the realm: but it did not say, as the Ecclesiastical Titles Bill said, that no person should assume such titles. If, therefore, the Bill passed in its present shape, Archbishop Manning might say—"Now I have been acknowledged by Parliament, I shall assume the authority to which I believe that I am entitled; and your remedy must be against the Pope." Of course, we could enforce no remedy against the Pope; but we had a remedy against the assumption of a title by the Archbishop of Westminster. Unless, therefore, the Bill was amended in Committee, he should certainly oppose the third reading.

Lord CAIRNS said, he was sure their Lordships were glad of any occasion which afforded them an opportunity of again listening to his noble and learned Friend behind him (Lord St. Leonards), who had again addressed the House that evening with a vigour and energy and an eloquence which those of their Lordships who were considerably his juniors might well envy. He did not, he might add, rise for the purpose of entering into any argument with respect to the Bill under discussion, but rather to ask Her Majesty's Government, What was the real principle upon which it was intended that it should proceed? Last year Parliament, in its wisdom, had thought fit to disestablish the Irish Church. That disestablishment was to take place on the 1st day of January next. It was provided that the Archbishops and Bishops in existence at the time of the passing of the Act should have their dignities and privileges secured to them for their lives. But let him suppose that, after the 1st of January next, a new Bishop should be appointed to a bishopric in the Irish Church, he would be met by the difficulty that, not being a Bishop authorized by law, if he assumed a particular title, the clause in the Emancipation Act, to which the noble Earl had just referred, would subject him to the payment of a penalty of £100. A promise was, therefore, made by the Government last year that some legislation would be proposed to meet such a case as that which he had just described. On turning, however, to the Bill before the House, he found, to his great surprise, that the clause of the Emancipation Act by which those new Bishops would stand imperilled was entirely unnoticed, and that no attempt was made to repeal it. The clause in the Emancipation Act stated, that if any person after the commencement of the Act should assume or use the name, style, or title of Bishop or Archbishop of any province or town in England or Ireland, he should for every such offence forfeit £100. He knew that an argument might be raised in a Court of Law as to what the position might be of the disestablished bishoprics in the Established Church in Ireland: but he knew, also, that there were Bishops who were authorized to assume during their lives the titles of their sees; and it was a matter of doubt whether any new Bishop in the Established Church would not be subjected to a penalty under the clause of the Emancipation Act, if he assumed a particular title. That was a matter, however, which might be easily remedied in Committee. A graver question was, what was the principle on which the present Bill proceeded? In the recital it was set forth that—

> "It is not necessary or expedient to impose penalties on those ministers of religion who may, as among the members of the several religious bodies to which they respectively belong, be designated by distinctions regarded as titles of office, although such designations may be connected with the name of some town or place within the realm."

Now, if that recital was asked by the Government to be accepted as the expression of the opinion of Parliament on the subject, it went altogether beyond the case of Ireland—it embraced, also, the case of England—with which he yet understood the Lord Privy Seal to say it was not the wish of the Government to deal; and that they did not propose to repeal that clause of the Emancipation Act, because it prohibited the assumption by other bodies—Roman Catholic or otherwise—of the title of Archbishop or Bishop. He saw that the noble Earl assented. Now, look at the principle on which the Government was acting. At the same time that they proposed to continue the penalty against Roman Catholic Prelates who assumed the title of English towns where there was at present a Bishop of the Established Church, they were asking Parliament to affirm the proposition that it was neither necessary nor expedient to impose penalties on persons who may be designated by distinctions regarded as titles of office, "although such designations may be connected with the name of some town or place within the realm? What would be the consequence? Supposing the Bill to be passed into law, and a Roman Catholic Bishop to be appointed, who might assume the title of Bishop of Norwich. It might be contended that if he did so he would be committing an offence against the clause of the Emancipation Act to which he had referred, which forbade any person in England except the person entitled by law to assume the title of any bishopric. The Bishop of Norwich might, however, answer—"It is all very well to talk about the Emancipation Act; but you have recited in your recent legislation that it is neither necessary nor expedient to impose penalties on those ministers of religion who may, as among the ministers of the several religious bodies to which they respectively belong, be designated by distinctions regarded as titles of office, although such designations may be connected with the name of some town or place within the realm." If the principle on which it was sought to proceed was to enable the Prelates of the disestablished Church in Ireland, who might wish to assume particular titles, to do so without being subjected to a penalty, then why, he would ask, was the Ecclesiastical Titles Act to be repealed with respect to England? They were in this dilemma—If they wanted to meet the case of Ireland only, they had no right to touch the Ecclesiastical Titles Act with regard to England: on the other hand, if they wanted to meet the case described in the Preamble, of a minister who took a title of office connected with a town, then they could not stop short where the Bill stopped, but they must go on and repeal the clause in the Emancipation Act. Those were consequences which the Government could not escape from, and he hoped they should have an explanation of the grounds on which they intended to proceed. He quite concurred in the view that there should be some legislation to meet the consequences of the disestablishment of the Church in Ireland; but what he wished to ascertain from the Government was, whether they were calling upon the House to embark on the consideration of a measure founded on that small principle, or on one based on the large principle that it was no longer desirable to keep up any prohibition against the assumption of any ecclesiastical title in any part of England?

THE LORD CHANCELLOR: My Lords, I do not think it will be extremely difficult to answer the question proposed by my noble and learned Friend; and, indeed, I think he was so completely answered by anticipation by my noble Friend who moved the second reading that I am rather surprised at his taking this objection. His objection is this—You deal with the Ecclesiastical Titles Act of 1851, which prohibits any person whatsoever from taking the title of Bishop, Archbishop, or dean of any place within the United Kingdom; but you do not deal with the section of the Roman Catholic Relief Act of 1829, which prohibits the assumption of titles corresponding to the titles of the Established Church. My noble Friend the Lord Privy Seal has explained fully why it is done; and it only remains for me to explain how it is done. After the Church in Ireland has ceased to be established, there is no longer any objection in that country to any person assuming the title of his see from any town, the name of which had formerly been appropriated to a see of the Established Church; it will then simply designate a see over which some person or persons of one or the other communion may have been appointed to preside, neither being by law established. In England, however, it would not be agreeable to the feelings of many that in a country where by law a Bishop is established over every see, and an Archbishop over each province, that persons should be allowed—as they would be by the repeal of the clause in the Roman Catholic Emancipation Act—to take the identical titles which must always be coupled in the minds of the community with the jurisdiction of those whose exercise of authority has been recognized by the law. There is no objection to a person calling himself Archbishop of Westminster because it causes no conflict of jurisdiction; but there would be the strongest objection to allow persons belonging to a community not recognized by law to assume the titles of Archbishop of Canterbury, Archbishop of York, or Bishop of London, because the Prelates bearing those titles are already exercising lawful jurisdiction over their dioceses. My noble and learned Friend (Lord Cairns) states that in 1871 the right rev. Prelates, who are allowed for the whole of their lives to bear titles which represent sees in Ireland, will be subject to the penalties of the Act. I apprehend it is nothing of the kind.

Lord CAIRNS: The noble and learned Lord has misunderstood me. I spoke of the newly-appointed Bishops.

The LORD CHANCELLOR: I will take it either way. The meaning of the 24th clause of the Act of 1829 is extremely plain. It begins with the recital that—

> "The Protestant Episcopal Church of England and Ireland, and the doctrine, discipline, and government thereof, and likewise the Protestant Presbyterian Church of Scotland, and the doctrine, discipline, and government thereof, are by the respective Acts of Union of England and Scotland, and of Great Britain and Ireland, established permanently and inviolably."

And it goes on to state that the titles borne by the dignitaries of these Churches have been settled by law, and it enacts that any person other than those authorized by law assuming those titles shall be liable to penalties. The whole object of the Act is to secure the titles of those who are recognized by law as against those who are not; and therefore it cannot apply to Ireland, where there will be no Church established by law. The assumption of the title of, for instance, Archbishop or Bishop of Dublin could not possibly be held by any Court to come within the purview of that clause. Any Court would at once say that there was no one belonging to any Church established by law who bore such a name, and the designation was therefore one with which the law had nothing to do. That was, he apprehended, as plain as anything could possibly be. The noble Earl (Earl Russell) had said that, as regarded persons who assumed titles which were only among their own community the designations of office, the Government evaded the question whether such persons were really assuming an authority, by saying that it was not right to punish persons who merely assumed those titles among their co-religionists. Without fear of being thought to be in league with Roman Catholic Prelates or with him whom they recognized as their head, he could show what was thought to be the impropriety of punishing persons for merely such an assumption of title. In the Act which it was now proposed to repeal, there was a proviso excepting such Scottish Bishops as assumed titles, although there was an Established Presbyterian Church in Scotland, because it was said that those titles only designated the communities over whom they exercised a voluntary jurisdiction. In Scotland there were Bishops of Perth, Edinburgh, and Aberdeen, just as there was in Ireland a Bishop of Derry; and if they were brought before an English or Scotch Court the same question would be asked of each—"What are the rules of your society?" The same rule would apply to the Roman Catholic or to the disestablished Church in Ireland after 1871; no jurisdiction would be held by any Prelate in that Church other than the voluntary authority which its members might be willing to confide to him; and that was what was meant by the words to which the noble Earl had taken objection. The law did not object to their having a title amongst their co-religionists. The law did not object to it with regard to the Wesleyan Methodists, for instance, or the members of registered societies. The law could not object to the assumption of a title or designation by the head of any religious society who was appointed to be their teacher or guide, and to exercise authority over them. The principle on which the Government acted was this—on the one hand they would not recognize any authority whatever in the persons who called themselves by such titles; but, on the other, they would not inflict any penalty on a man for assuming a title which did not belong to the see of any Established Church. But inasmuch as we had in England an Established Church, and confusion might arise from two persons calling themselves by the same titles, the one being fictitious, and the other having authority over a diocese given him by law to exercise jurisdiction over offences committed therein; the assumption of such a title would be not only indecorous, but also misleading to persons, who would not know what authority to recognize. It would be an offence for a person to call himself Secretary of State for the Home Department, if he had no pretensions to such an office; and it would be offensive in every way that there should be two Archbishops of Canterbury—one with fictitious, the other with legal authority. No such difficulty could be created by the assumption of such a title as the Archbishop of Westminster, and therefore the Bill would apply only to the taking of such titles as did not clash with others. The Lord Chancellor concluded by expressing the pleasure with which he saw in the House the noble Lord who had moved the Amendment in that full vigour of mind and body which he hoped the noble Lord might long continue to enjoy.

LORD ST. LEONARDS said, that the title of the Bill did not indicate what the Government intended to do; but he should be satisfied with an assurance that in Committee they would put the Bill in such a form as would express their views, so that the House might know clearly what they were to be able to decide upon then.

LORD ORANMORE AND BROWNE said, that as an Irish representative Peer he desired to say a few words on this question. He had never concealed in that House the strong Protestant opinions which he entertained; but, while he altogether repudiated Ultramontane ideas, he desired that every Roman Catholic should enjoy liberty and equality with all other subjects of the Queen. But he could not help thinking that the strongest reasons for not passing this Bill might be gathered from the speech of the noble Earl in moving its second reading. The Act to which it related had remained inoperative, because it could not be put in force except with the permission of the Attorney General, which could never be obtained on account of all parties desiring to receive support from the Roman Catholics who represented Irish constituencies. It was commonly assumed that the Roman Catholic Church could be dealt with on the same terms as Dissenting bodies; but he held that to be an utter fallacy, for these bodies were comparatively insignificant in numbers, and had neither the organization or power of the Roman Catholic Church. That body was kept in check by special legislation in every Roman Catholic country, from the knowledge that if it were not, it would become paramount over the civil power. The claims of the Roman Catholic Church were now as arrogant as ever, while her power was perhaps greater, because the spirit of national Churches had been much overcome, and a stronger central power existed at Rome, while the extension of this system in England was evidenced by the enormous increase of Roman Catholic churches as well as of her monastic and conventual institutions. If the supremacy of the Crown and the supremacy of the law were to be upheld, he believed that Parliament should not repeal such statutes as that now under discussion—a statute which was only enacted to oppose the aggression of the Roman Catholic Church. There was one thing he desired to have clearly explained—that was the precedence given to Cardinal Cullen at the Viceregal Court. Were he a foreign Prince visiting Ireland, of course he would receive the precedence due to his rank, but being a British subject and a resident in Ireland, he was given precedence as a Prince of the Roman Catholic Church over an English Duke. This could only have been given to him as an ecclesiastic; thus subordinating the authority of our Sovereign to that of the Pope, and the civil power of this country to the authority of the Roman Catholic Church. He had heard it said that Cardinal Cullen was exempt from the operation of the Act. He desired to know if that was so; and, if it was, how it came to pass?

THE DUKE OF RICHMOND: I wish to observe that, in assenting to the second reading of this Bill, we especially desire that our decision may not be construed as in any way offering homage to the Papal authority. I say this because of an expression which fell from the noble Earl opposite (the Earl of Kimberley). Nor do we wish our decision to be regarded as offering facilities for the government of the country being carried on under a Roman Catholic clergy; and, with every respect for the opinion of the noble and learned Lord on the Woolsack, I must say that the Bill will require very considerable amendment in Committee.

THE EARL OF KIMBERLEY, in answer to the noble Lord (Lord Oranmore and Browne), explained that the Ecclesiastical Titles Act prohibited a person from assuming the title of Archbishop, Bishop, or Dean of any place in the United Kingdom; and that he had wished to convey by his remarks upon this point that the use of the title which Cardinal Cullen held was not prohibited by the Act. That would explain the courtesies extended to the Cardinal as such by recent Lord Lieutenants.

On Question, That ("now") stand part of the Motion? *Resolved* in the *Affirmative;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* the 16*th* of *June* next.

BRIDGWATER AND BEVERLEY DISFRANCHISEMENT BILL—(No. 87.)

(*The Lord Chancellor.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE DUKE OF RICHMOND *presented* Petitions from the Mayor, Aldermen, and Burgesses of Beverley, and from the Electors of Bridgwater, in public meeting assembled, against the Bill.

LORD DE MAULEY hoped their Lordships would pause before they gave their assent to a measure so important as the disfranchisement of these boroughs. He knew the ground they trod on was somewhat delicate, for the election of a Member to sit in the other House of Parliament, only indirectly affected their Lordships; but the constitutional question, whether or not a large body of men were to be deprived of electoral rights, was one which certainly ought to be approached with caution and forbearance. Now, no forbearance had been shown to the electors of Bridgwater, either by the Government or their agents. A Commission was sent down, if one might judge from the language held in its Court, straight from the Old Bailey. Accusations were levelled against individuals as free from the taint of bribery as they were themselves, and one gentleman, who, stung by unmerited reproach, asserted his innocence, was silenced by the infliction of a fine. It was no individual case he wished to bring before their Lordships; but the broad principle whether an electoral body was to be deprived of the franchise, because a few of its members had abused their privileges. They might deal with those members as they pleased; they might exclude them from the exercise of political and municipal rights, but they ought not to include in the same punishment the innocent with the guilty. A town like Bridgwater, with its varied and extensive interests, was to be unrepresented in Parliament, because a Government thought it might deal with corruption as with the cattle plague, and stamp it out of society. Every facility had been offered to the Commission in the exercise of its duties, which had certainly not been repaid by courtesy. All the electors got in return was a punishment so sweeping as to be opposed to every principle of justice and common sense.

THE LORD CHANCELLOR, in moving that the Bill be now read the second time, said, their Lordships would see in one moment that the objections to it would not stand even on the Report of the Commission. The Report had been made after a very anxious and painful inquiry. The learned Judges, in the first instance, reported that bribery had extensively prevailed at Beverley and at Bridgwater, and it was on the foundation of their Report that the Commission had been issued; and what had been the result? He would content himself with reading one sentence from each Report. The Report of the Bridgwater Commissioners stated—

> "We find that corrupt practices have extensively prevailed at the last election and at every preceding election for the borough of Bridgwater into which we have inquired, up to and inclusive of the earliest in date,"

that is to say, the General Election of the 30th of April to the 3rd of May, 1831. The Schedules containing the names of persons implicated in corrupt practices extended to eight or 10 closely printed folio pages, and the facts mentioned fully justified the statements made in the Report. Then, with regard to Beverley, the Report stated that corrupt practices prevailed in Beverley at the election of March, 1857; that corrupt practices extensively prevailed in Beverley at the election of August, 1857; at the election of 1859, at the election of 1860, at the election of 1865, and at the election of 1868, and the persons named in the Schedule to the Report annexed were guilty of bribery, either in giving or receiving money at the elections therein indicated. That Schedule of names also extended to eight or nine closely printed folio pages. If the corrupt practices which were reported to have so extensively prevailed in these two boroughs were not followed by disfranchisement, he was at a loss to know what extent of corrupt practices would be necessary to justify such a measure.

Moved, "That the Bill be now read 2ª."—(*The Lord Chancellor.*)

LORD COLCHESTER contended that in Bridgwater there was a great improvement at the last election, and gross injustice would be inflicted on that constituency if this Bill were passed. He thought that such a Bill as this ought not to pass without a full, fair, and impartial inquiry, conducted in a proper judicial spirit, whereas the conduct of Mr. Anstey was calculated to bring the judicial office into contempt. It was impossible to look into the Report without being convinced that the inquiry by the Commissioners had been conducted with manifest unfairness.

THE LORD CHANCELLOR did not think it necessary to take up the time of the House in defending the gentlemen who had undertaken the office of Commissioners of Inquiry at Bridgwater, because never was there a case so bad and so black as that of Bridgwater.

Motion *agreed to.*

Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

IRISH LAND BILL [H.L.]

A Bill to amend the Law relating to the Occupation of Land in Ireland—Was *presented* by The Lord SILCHESTER; read 1ª. (No. 113.)

ECCLESIASTICAL DILAPIDATIONS (NO. 2) BILL [H.L.]

A Bill for the amendment of the Law relating to Ecclesiastical Dilapidations—Was *presented* by The Lord Archbishop of YORK; read 1ª. (No. 114.)

UNION OF BENEFICES AMENDMENT (1870) BILL [H.L.] (NO. 118.) A Bill to amend the Law relating to the Union of Benefices: And also,

BENEFICES RESIGNATION BILL [H.L.] (NO. 119.) A Bill to enable Clergymen disabled by illness to resign their Benefices, with provision of Pensions:

Were *presented* by The Lord Bishop of WINCHESTER; read 1ª.

House adjourned at half past Eight o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 27th May, 1870.

MINUTES.]—NEW WRIT ISSUED—*For* Leicester County (Southern Division), *v.* Viscount Curzon, now Earl Howe.

SELECT COMMITTEE—*Report*—Thames Navigation [No. 258].

PUBLIC BILLS—*Second Reading*—Vaccination Act (1867) Amendment [126].

Committee—Burials (*re-comm.*) [123]—R.P.

RESIGNATION OF CLERICAL DIGNITARIES.

QUESTION.

SIR MASSEY LOPES said, he would beg to ask the First Lord of the Treasury, Whether he does not consider that the provisions of the Bishops' Resignation Bill of last Session might not with great advantage be extended to the other dignitaries, as well as to the Beneficed Clergy of the Established Church generally, who either from infirmity or other physical disability are unable effectively to discharge their duties?

MR. GLADSTONE: In answer, Sir, to the hon. Baronet, I have to say that I think it would not be possible to extend the Bill of last Session, which was intended for Bishops only, to other dignitaries and clergy of the Established Church, because their case, from the nature of the patronage to be exercised, and especially from its marketable character, offers considerable difficulties that do not occur in the case of Bishops. Therefore, I think a measure on the subject would require a great deal of care in the framing of it. But certainly, as far as my opinion goes, I agree with what appears to be indicated in the Question of the hon. Baronet, and I think that a Bill to provide, under proper conditions, for the retirement of beneficed clergy and dignitaries unable effectively to discharge their duties would be of great advantage to the Church.

CANADA—THE FENIAN CONSPIRACY.

QUESTION.

Mr. WHALLEY said, he wished to ask the Under Secretary of State for the Colonies, with reference to the Fenian raid on Canada, Whether the Government have in their possession, and if so, are prepared to consent to the publication of any documents or written information calculated to throw light upon the origin and nature of the Fenian conspiracy, either in the United Kingdom, in the Colonies, or in America, and especially as to any purpose or design other than that of an Independent Republic in Ireland; and, whether the Government are informed of any connection between this Canadian raid and the recent Fenian demonstration in support of the Red River Rebellion?

Mr. MONSELL, in reply, said, he must beg to point out that the first part of the Question ought to have been addressed to the Secretary of State for the Home Department. His right hon. Friend, however, had authorized him to state that Her Majesty's Government were not in possession of any information on the subject which they thought it for the public interest to lay before the House. As to the second branch of the Question, he begged to inform the hon. Gentleman that the Government had no information of the existence of any connection between the Fenian raid and the Red River rebellion.

WATER SUPPLY IN THE METROPOLIS·

QUESTION.

Mr. WHALLEY said, he would beg to ask the Secretary of State for the Home Department, with reference to the recommendation of the Royal Commissioners, that the supply of Water in the metropolis should be on the system of constant instead of intermittent supply, Whether it is the intention of the Government to adopt any and what measures, with a view to giving effect to such recommendation?

Mr. BRUCE said, in reply, that the recommendation of the Royal Commissioners went much further than the mere question of an intermittent or constant supply of water. They proposed that the task of supplying water should be transferred from the private companies to a central body, and that every householder should be obliged to take water on condition of being supplied constantly. Now, in order to give effect to the recommendations of the Commission it seemed necessary to create a central authority for the metropolis. He had been in communication with the Metropolitan Board of Works on the subject, and having given to it all the attention in his power it appeared to him that this measure could not be properly carried into effect unless in connection with the measures for creating a general government for the metropolis.

ELEMENTARY EDUCATION BILL.

QUESTION.

Sir GEORGE GREY said, he wished to ask the Vice President of the Council, Whether, in addition to the Amendments of which he has given Notice for the Committee on the Elementary Education Bill, it is his intention to propose any alteration in the 14th and 22nd Clauses of the Bill as to the religious instruction which may be given in schools supported or aided out of local rates?

Mr. W. E. FORSTER: In reply, Sir, to my right hon. Friend I may say that it is not the intention of the Government to anticipate the discussions of the Committee on the Education Bill by proposing any Amendment of importance beyond those I put on the Table of the House last evening. Those Amendments were in fulfilment of my right hon. Friend the Prime Minister's promise at the close of the debate on the second reading. That debate seemed to show that the clauses of the Bill were by some hon. Members supposed not to fully carry out two important principles which we had always intended to embody in it — namely, the most complete protection of the conscientious scruples or feelings of the parent, and the utmost possible security that the Boards which have to deal with the education of the children should be freely elected by the parents. We have therefore re-placed sub-section 3 of Clause 7, which is the

Conscience Clause of the Bill, by a self-working time-table clause, and we have secured that, in the election of the Vestry School Boards, there should be no plural voting and that there should be Ballot. We are well aware that there are other clauses of the Bill, by which important questions are raised; not merely that most important Question referred to by my right hon. Friend — namely, the religious instruction which may be given in schools supported or aided out of local rates, but also other important questions to which I need not now allude. We are, also, well aware that upon these questions there will be much difference of opinion, and in a constructive measure of this kind it would, indeed, be curious were this not the case; but we have thought it the best course to put these clauses of the Bill before the Committee as they now stand, in order that hon. Members may fairly judge the reasons which have actuated us in framing them. At the same time, I hardly need add, that it is also our intention most carefully to consider all the Amendments which may be advanced and all the arguments which may be used in support of those Amendments. With regard to the special Question raised by my right hon. Friend, I may remind him that though the Amendments I tabled last night are not directly upon Clauses 14 or 22, yet they affect the meaning of those clauses. The Bill contemplates three descriptions of schools—schools aided out of the taxes, but receiving no aid from the rates; schools provided by the School Boards, and under their control; and schools aided out of the rates, but not under the control of the School Boards. Clause 14 relates to the rate-provided schools, and Clause 22 to those that are simply rate-aided; but Clause 7 relates to all three descriptions of schools. I merely mention this in order that hon. Members, and especially those hon. Members who have put Amendments on the Notice Paper with regard to Clauses 14 and 22, may consider how far their views are affected by our Amendments of Clause 7. I may add that though, for these reasons, I am not empowered by the Government to put any further important Amendments on the Notice Paper, I shall probably have to give Notice, a day or two before we go into Committee, of some unimportant Amendments, chiefly formal and verbal; and I hope to take the opportunity of putting on some fresh clauses with regard to compulsory sites for schools, in accordance with the statement of my right hon. Friend the Home Secretary, in his speech on the Bill brought forward by my hon. Friend the Member for Denbighshire (Mr. Osborne Morgan).

HALFPENNY CARD POSTAGE.

QUESTION.

DR. LYON PLAYFAIR said, he would beg to ask the Postmaster General, Whether the Government have come to any resolution in regard to the establishment of a Halfpenny Card Postage, a Memorial in favour of this having been some time since presented to the Postmaster General, supported by the signatures of Members of Parliament, of mayors and merchants of many towns in the United Kingdom, of members of learned societies, and of a large number of officers of Volunteers?

THE MARQUESS OF HARTINGTON: Sir, I am very glad to say that the Government have decided, in conjunction with the reduction of postage on newspapers and printed matter, to adopt a halfpenny card postage—that is to say, cards will be issued bearing a halfpenny card stamp, on one side of which an address will be written, and on the other any communication whether in writing or in print. We believe that this will be a great accommodation to the public, and on account of their uniform size, light weight, and small bulk, be extremely convenient to the Post Office, which will be able to deal with them with much greater ease than ordinary letters. At the same time, as they will afford a means of very brief communication, they will not materially interfere with the revenue of the Post Office.

ALLEGED OUTBREAK OF CATTLE PLAGUE.—QUESTION.

In reply to Sir HENRY SELWIN-IBBETSON,

MR. W. E. FORSTER said, he held in his hand a letter from the Foreign Office, which stated that a telegram was yesterday received from Her Majesty's Ambassador at Paris, to the effect that the Prefect of the Department of the Doubs in France had informed the Minister of Agriculture that no cattle plague in the Department had been reported.

ARMY—PAYMASTERS OF RECRUITING DISTRICTS.—QUESTION.

In reply to Major ANSON,

MR. CARDWELL said: No fresh appointments of paymasters of recruiting districts under the Warrant of 1860 will in future be made, it being considered an unnecessary expense to keep up a special department for payments on the recruiting service. With respect to paymasters generally, I have made no new appointments since I came into Office, every vacancy at my disposal having been employed in providing for reducible officers. As regards the Control paymasters, no new persons have been appointed, the places being filled in every instance by gentlemen already in the service.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

FALSE WEIGHTS AND MEASURES.

RESOLUTION.

LORD EUSTACE CECIL rose, pursuant to Notice, to move:—

> "That this House is of opinion that the present state of the Law as regards the use of False Weights and Measures, and the prevention and punishing of adulteration of Food, Drink, and Drugs, is most unsatisfactory, and demands the early attention of Her Majesty's Government."

The noble Lord said, he had brought forward a similar Motion to the present one last year, and withdrew it only on the understanding that the Government would deal with that portion of the question which related to the use of false weights and measures as soon as the Report of the Royal Commission on Weights and Measures was published. That Report, he believed, would shortly appear; and he presumed the Government were acquainted with its recommendations. The object of his present Motion was to obtain from the Government a definite statement of what they meant to do on that question and the other kindred subject embraced in his Notice. As far as the use of false weights and measures was concerned, although he could not say that things were going from bad to worse, they had certainly not improved. He did not propose now to go at any considerable length into the statistics with regard to false weights and measures, because he did so last year; but he thought he might appeal to the hon. Member for Southwark (Mr. Locke), the hon. Member for Swansea (Mr. Dillwyn), and the hon. Member for Frome (Mr. T. Hughes), if they had not, after the perusal of those statistics, arrived at the same conclusion that he had—namely, that when in parishes like St. Pancras and the Strand there were no convictions at all, and very few in parishes of almost equal area and population, there must either be an amount of honesty in those districts, which was very much to be valued because unexpected, or else the law was ineffective in its administration and in the penalties it imposed. But in order to show the working of the law, he would read some very valuable evidence recently given by Mr. Martyn Roberts before the Standards Commission. Mr. Martyn Roberts said—

> "By the system of inspection now in operation much facility is given to fraud. The inspector goes his rounds with cart, horse, and police attendants, giving full notice of his approach; fraudulent tradesmen hasten to conceal their false weights and bring out a good set for inspection; and, as soon as the officer's back is turned, these weights are put safely away and the false ones brought out for the next poor customer. The same thing happens when the police attempt to detect and seize false weights: they make an imposing progress from shop to shop—the country is well alarmed, warnings run from place to place, and all dangerous weights are put safely away."

To show the necessity which existed for an alteration in the law, he might refer to the information obtained by the Standards Department. In the Report of that Department, dated July, 1868, and signed by Mr. Chisholm, there was this statement—

> "I have reason to believe that the information thus obtained, together with other information furnished to the Department from other sources, and laid before the Standards Commission, will demonstrate the existence of many imperfections in the present system of inspection, and the necessity of introducing material changes and improvement in this system and in the laws by which it is regulated."

He now passed from this portion of the subject to a more monstrous and more crying evil—namely, the adulteration of food, drink, and drugs. Last year he endeavoured to show how widespread was adulteration throughout this country; and he compared our laws on this subject with the laws of other countries in Europe, for the purpose of showing that the latter were more effectual for the suppression of fraud. He believed he succeeded in convincing the House, though he did not succeed in convincing the right hon. Gentleman the President of the Board of Trade, which, perhaps, was not to be wondered at, although the arguments he brought forward on that occasion had remained, as they were then, uncontradicted. Indeed, they had been strengthened by Returns which he had moved for. The first Return he had moved for was for the number of convictions during the previous three years in the Metropolitan District under the Adulteration Act of 1860, and to that requisition the reply was that there had been no conviction during the previous three years—for a very good reason, for, as far as he could make out, there had been none since the Act was passed nine years ago. The second Return was for the number of convictions under the Revenue Acts in the metropolis during the same time. From it he learnt that in the year 1868 there were only five convictions. Those had been for the adulteration of beer. And here he must observe that, as the penalties inflicted by magistrates for breaches of the Revenue Laws were generally remitted on appeal, sometimes to the amount of one-half, it was impossible for the magistrates to look forward to any of those penalties being duly enforced. To show the House how utterly null and void the law was, he would quote the opinion of a gentleman who was competent to form an opinion, and whose opinion represented that of the scientific portion of the community. He alluded to Dr. Letheby, who said—

> "Parliament has, therefore, attempted to deal with the matter by legislation, as in the Act for preventing the adulteration of articles of food or drink of 1860; but as the Act is only permissive, little or no effect has been given to it. Even in those places, as in the City of London, where it has been put in operation, and public analysts have been appointed, no good has resulted from it, and it really stands upon the statute book a dead letter.

Last year he brought those and several other facts before the House. He was then accused of unintentional exaggeration — a somewhat serious charge, because it implied that a Member of the House of Commons made a statement without having given himself the trouble of finding out whether it was accurate or not. What he did state was that the quantity of a certain noxious drug, *cocculus Indicus*, imported into this country in the years 1866-7-8 was, for the first of these years, 394 cwt.; for the second, 689 cwt.; for the third, 1,064 cwt. In 1869, though the importation fell off a little in quantity, it reached the large amount of 820 cwt. Taking the average of the four years, more than 850 cwt., or 42 tons, had been imported annually, and he might add that this fact was not likely to be contradicted, because he had obtained the Return from the Customs. Certainly there was a missing link in his statement, and he was obliged to an hon. Friend of his who, when he sat down, remarked—"You have shown that so much *cocculus Indicus* has been imported, but you have not shown that it has been used in the adulteration of beer." Well, he had written to Dr. Letheby, with whom he had no personal acquaintance, to ask him his opinion as to how much of the *cocculus Indicus* was used in adulterating beer, and how much was used as medicine. The reply was—

> "With respect to the question you have put as to the use of *cocculus Indicus* in medicine, I believe that little or none of it is ever used medicinally, there being only an ointment of it; but that the whole of the 850 cwt., annually imported on an average during the last four years, is used for the adulteration of beer and porter. There is a class of persons, called brewers' druggists, who regularly deal in the article, and there are many books, called 'Guides to Publicans,' which give explicit instructions for the use of it. But the chief adulterators of beer are the publicans, who convert two butts of beer into three by the aid of the brewers' druggists, who supply them with liquorice, spruce, and *cocculus Indicus*.

He did not think that in the debate of last year there was any difference of opinion among hon. Gentlemen as to the fact of there being adulteration; but in taking up the cudgels to defend the existing law hon. Members had used some of the most extraordinary arguments he had ever listened to. The ex-Member for Stafford (Mr. Pochin) said he thought that there was no harm in mixing alum with bread, because Professor Liebig had stated that the ordinary mixture of alum in bread, as practised in this country, was wholesome. The arguments used on that occasion went, in effect, to this—that there was, perhaps, considerable harm in poisoning people, but very little harm in cheating them; and as far as he could gather from his tone, the opinion of the President of the Board of Trade went very much to endorse that notion. The right hon. Gentleman said—

> "My own impression with regard to this adulteration is that it arises from the very great, and perhaps inevitable, competition in business; and that, to a large extent, it is promoted by the ignorance of customers. As the ignorance of customers generally is diminishing, we may hope that before long the adulteration of food may also diminish."—[3 *Hansard*, cxciv. 729.]

He did not quote those words for the purpose of taunting the right hon. Gentleman, who, unfortunately, was absent from his place, and whose absence from it was a great loss; but he thought it necessary to make the quotation, because the right hon. Gentleman spoke as the head of a great Department, and as his words had never been contradicted by any Member of the Government, they must be taken as expressing the maturely-formed opinion of the Government. And what did that opinion amount to? Why this—that the Government thought themselves perfectly excused from protecting ignorant customers against fraud. But that doctrine, if carried out to its full extent, would lead to the disbanding of the police and the handing over of the subjects of Her Majesty to the tender mercies of burglars, garrotters, and assassins. Who were the ignorant customers whom the right hon. Gentleman thought had no title to protection? Were they the rich, brought up in the lap of luxury, to know good food from bad; or were they the poor—the artizan, earning his bread by the sweat of his brow, or the widow, content if only she could give a bit of unadulterated bread, a cup of pure milk, or a glass of wholesome beer to her large and perhaps suffering family? He laid great stress on the statement of the right hon. Gentleman because he thought it important that it should be answered. There was a very large class of persons, both in and out of the House, who attached great weight to any statement proceeding from such an influential authority, and they therefore believed that there was really very little harm in mixing ingredients with food provided they were not poisonous. Against that assumption he must protest to the utmost of his power. The practice of harmless adulteration, as it was called, like the use of false weights and measures, was neither more nor less than picking people's pockets, and the punishment that was awarded to the one should be awarded to the other. But was this so-called harmless adulteration really harmless? He had endeavoured to show how extensively beer was adulterated, and his statements upon that point were fully supported by the Reports of the Committee of that House which had sat to inquire into the subject, and of the Commissioners of the Board of Inland Revenue, and also by every speaker who had spoken upon this subject, from the Bishop of Exeter down to the poor labourer whom he had quoted last year as giving his evidence before the Malt Tax Committee. Again, the adulteration of tea had specially attracted the attention of the public during the last two or three months, and the following extract had appeared in the columns of a daily newspaper:—

> "A decided gloom has come over our tea tables since the revelations made by Dr. Letheby regarding the 260 chests of Moning Congou of which six only were seized. The remainder were very quickly shuffled off between the wharfingers and the consignees, and curiosity anxiously speculates as to what they will do with it, seeing that the article is all made up of filthy *débris* mixed with the droppings of animals and all the mess of a Chinese gutter. But worse remains to be learned. The pensive public is informed by a trade newspaper that thousands of pounds of so-called 'tea' are annually sold at Mincing Lane, compared to which 'Moning' is really a superior sample. The commodity is proffered under the names of scented caper, gunpowder, and siftings, and consists of a very small proportion of the genuine leaf, the rest of the bulk being made up with silk worms excrement, warehouse dust, dirt of various kinds, and a solution of gum. This delightful compound sells to the retail dealer at 6*d.* per pound, and pays a duty as 'China mixture.'"

And, in adjudicating upon this case, on the 21st of March following, at the police court, Alderman Stone said—

> The preponderance of evidence as to the tea being unsound, unwholesome, and unfit for human food, was in favour of the complainant, and he should make the order for its destruction, but would restrain its operation until an appeal had been made to the Court of Queen's Bench, and the decision of that Court was known."

And in the meantime Her Majesty's subjects were being cheated and poisoned to any extent. Then, as to butter—and here he must apologize for entering into these details; but he felt bound to do so, in order to meet the assertion that those who attempted to prove the existence of adulteration were guilty of extravagance, and that adulteration only extended to mixed pickles; they all had read an astonishing story in the newspapers of butter being manufactured to a large extent from Thames mud. He did not answer for the truth of that statement, and he hoped that the thing was not only improbable but impossible, and that the only foundation for the story was to be found in the imagination of the writer; but it was beyond dispute that butter was adulterated with large quantities of salt, water, and rancid fat. Sugar, again, was adulterated with sand—not, perhaps, so much in the West as in the East-end of London. And, lastly, he came to milk, the adulteration of which, no doubt, would be called harmless, mixed as it was with large quantities of water. Dr. Hassall and Professor Voelcker both characterized the milk sold in London "as a fraud of the gravest description;" and Dr. Letheby said, in a Report to the City Commissioners of Sewers, that "while a gallon of good milk contains about 9,400 grains of solid nutriment, the poor milk of London furnishes only from 6,800 to 7,000 grains of it." And upon whom did the loss arising from this so-called harmless adulteration fall? Why, it fell principally upon the old, the feeble, the poor, and the sick. He asked whether such a state of things was not fraught with the greatest mischief, and the question was—how was this great evil, the existence of which had been amply proved, to be met? He asserted that the mischief could only be properly dealt with by the Government taking up the subject, and by their bringing in a Bill to put a stop to adulteration. It had been said to him in private—"Oh, if you have these ideas upon the subject of adulteration, why don't you frame a Bill yourself, and endeavour to carry it through Parliament?" His answer to that observation was, that such an attempt had been made more than once, and had signally failed. Mr. Scholefield, who had taken great interest in the subject, had moved for and obtained a Committee to inquire into the extent of adulteration, and had subsequently twice brought in a Bill dealing with the question, which had been so mutilated before it passed that it was utterly worthless. Two hon. Members for Birmingham, one after the other, with praiseworthy diligence and energy, had also endeavoured to carry a Bill upon this subject through Parliament; but their Bills had never obtained a second reading, chiefly owing to the fact that every difficulty had been placed in their way, but also because Government had always thrown a wet blanket upon their attempts. Under these circumstances it was imperative that the Government should take up the matter. Of course, as an individual, he had formed an opinion as to how the evil should be met, and he had not the slightest objection to place his lucubrations, such as they were, at the disposal of the Government. In his opinion the amendments of the present law that were necessary were as follows:—First, the Bill should be compulsory and not permissive. The local authorities should be required to appoint, according to population and area, a sufficient number of inspectors of food, drink, and drugs exposed for sale, as well as a proportionate number of medical and chemical analysts. Secondly, there should also be a chief analyst appointed by the Board of Trade, to whom the dealer should be allowed to appeal, in case of his feeling aggrieved by the report of the analysts appointed by the local authorities, and whose report should be final and conclusive. Thirdly, the local authorities should be required to take the necessary legal proceedings on the report of the local analyst, or in case of appeal, on the report of the chief analyst. Fourthly, provision should be made for the prevention of the sale of unsound, unwholesome, or adulterated food or drink and drugs at wholesale houses or by brokers, for, at the present time, the matter could not be dealt with. Then, as to the penalties to be inflicted upon the delinquents who might be convicted of breaking the law, Parliament could not do better than follow the example that had been set them by our ancestors. He did not say that he wished the pillory and flogging at the cart's tail to be reverted to; but still the principle contained in these punishments was the only true remedy for the offence. In the Assisa Panis, as set forth in the *Liber Albus*, it was laid down—

> "If any default shall be found in the bread of a baker in the city, the first time let him be

> drawn upon a hurdle from the Guildhall to his own house through the great streets where there be most people assembled, and through the great streets which are most dirty, with the faulty loaf hanging from his neck; if a second time he shall be found committing the same offence, let him be drawn from the Guildhall through the great street of Chepe in manner aforesaid to the pillory, and let him be put upon the pillory, and remain there at least one hour in the day; and the third time that such default shall be found, he shall be drawn, and the oven shall be pulled down, and the baker made to forswear the trade within the city for ever."

A like punishment was awarded to butchers and vintners for fraudulent dealings; for it was stated that a butcher was paraded through the streets with his face to the horse's tail for selling measly bacon at market, and the next day he was set in the pillory with two great pieces of his measly bacon over his head, and a writing which set forth his crimes. And he believed the publication of the offence, as well as fine and imprisonment, to be the true punishment for its commission. The ancient punishments for the offence were therefore, in his opinion, severe, but in principle wise. Having said this much, he would leave his case in the hands of the House, feeling perfectly sure that they would do justice to it. No doubt, he should be told that there were many difficulties in the way of legislating upon this subject; but, with the enormous majority at the back of the Government, they need not be afraid of any difficulties which they might have to encounter. At all events, the Government might depend upon the support of his side of the House if they undertook the matter; and surely the most powerful Government since the days of Sir Robert Peel should not shrink from dealing with it. He also asked for the support of those who represented "working-class constituencies." The question peculiarly touched the interest of the labouring population. The rich could command the market; but the poor were too often tied by the bonds of debt to the tradesman around them. He had been told that a measure such as he had described would work badly in the interests of trade. He, however, was of a contrary opinion, for people would only be too glad to leave co-operative societies for the tradespeople who resided in their neighbourhood, when they were sure of getting unadulterated articles and full weight at cheap rates. One reason why action should be taken in this matter was, that the reputation of the country for honesty since the unfortunate crisis of 1866 had materially suffered abroad. It was not surprising that foreigners smiled at our setting up a peculiar claim for honesty when adulteration and the use of false weights were widespread throughout the land, and the law was such that, instead of punishing such offences, it rather encouraged their commission. He would not ask the Government to bring in a Bill on the subject this Session; but he expected some definite declaration from them—some pledge of action in the future. He should be sorry to speak in a menacing way, for his purpose was rather to entreat, nay to implore, the Government to take the matter into their consideration; but if he was unfortunately forced to divide, by the unsatisfactory answer he might receive from the Treasury Bench, he trusted independent Members would accompany him in the Lobby, and give distinct proof that they at least were the true friends of the labouring classes. He concluded by moving the Amendment he had placed upon the Paper.

Mr. T. HUGHES said, he rose to second the Motion with much pleasure, but, he must acknowledge, without much hope. The present Home Secretary was not the first, and he feared would not be the last Minister to whom he should have to appeal on this subject. The efforts he had made to bring about an Amendment of the Law had reminded him of one striking a feather bed. He had already brought the question to the notice of three different Ministries. On the last occasion, in 1868, he had appealed to his right hon. Friend opposite (Mr. Cave), then Vice President of the Board of Trade, who promised to have the suggestions he then laid before him considered by the Standards Commission; but it did not appear from the very able Report of the Commissioners that they had dealt with the matter. They had contented themselves with abolishing Troy weight, but had not touched the larger question. The noble Lord (Lord Eustace Cecil) had so fully canvassed the subject of adulteration that he proposed to confine himself to the question of weights and measures. The state of the law was eminently unsatisfactory. When he first entered the House he found that the convictions for using false weights and measures in his own borough of Lambeth presented a high average—as high as five to one as compared with North London. He had inquired into this startling difference, and the explanation given to him was that in Lambeth the inspectors were appointed by the magistrates of Surrey, and paid in part by fees upon procuring convictions, while in the north of London a different system prevailed. That system, he believed, was about 600 years old. The evidence of Mr. Gibb, the vestry clerk of St. Pancras, in 1869, was, that in St. Pancras the vestrymen selected by lot 160 ratepayers, arbitrarily selected by their position on the rate-book, from whom they chose 63 to act on the leet jury, or annoyance jury, whose duty it was to examine the weights and measures. One-fourth of these jurymen were shopkeepers, liable to inspection themselves. The persons appointed as jurors divided themselves into four bodies, and marched round the parish in company with a beadle, who carried the standards of weights and measures, and the result of their labours sufficiently proved the unsatisfactory state of the law. In St. Pancras there were no convictions during a period in which there were 165 in Newington. It was intended that the Act passed in 1835, which enabled magistrates in quarter sessions to appoint proper inspectors, should be applicable to the whole country; but, unfortunately, by the last section the jurisdiction of the old Courts Leet was maintained. It would not, he thought, be too much to ask the Government, even with the large amount of business they already had on their hands, to introduce a short measure abolishing the Courts Leet, and authorizing the magistrates in all parts of the country to appoint inspectors, and see that the inspection was properly carried out. On the general question he agreed with the noble Lord, that the only thing required to cure this public scandal was real publicity, and two years ago he suggested to his right hon. Friend opposite that it was in the power of the Government to give that publicity at once. There was nothing which fraudulent shopkeepers dreaded so much as publicity. In proof of this assertion, he would remark, that although the local Acts, applicable to St. Pancras and other northern parishes, contained a special clause enabling them to publish returns of the convictions, they hardly ever availed themselves of that power. It might, perhaps, be said, that the insertion of such returns in the ordinary newspapers might damage the proprietors. He, therefore, suggested that the Government should publish in the *London Gazette* the names of all persons convicted of using fraudulent weights and measures, and fined a certain amount—say £1 or upwards. He would further suggest that something like the French system should be adopted, and that a mark should be placed upon or near the premises of convicted persons for a fixed term. Such a system, he believed, might be at once carried out by the Government without getting an Act of Parliament passed. At present notices were put up in the streets with reference to cabs, postal arrangements, and other matters; and if the Government caused to be put up in each parish a board, to be called the "Rogue's Board," with a list of convicted tradesmen, these abominable practices would be almost entirely suppressed. We could not now revert to the old punishment of the pillory; but the modern pillory must be publicity of the kind he had described. He had great pleasure in seconding the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that the present state of the Law as regards the use of False Weights and Measures, and the prevention and punishing of adulteration of Food, Drink, and Drugs, is most unsatisfactory, and demands the early attention of Her Majesty's Government," — (*Lord Eustace Cecil,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question.

MR. BRUCE said, the Motion divided itself into two parts—the first relating to the use of false weights and measures, and the second to the adulteration of food, drink, and drugs. The first of these subjects had been investigated by the Commission, which had not yet presented their final Report, although the evidence had been published; and in their Third Report they promised to consider the defects of the existing law and to suggest remedies for those defects. Now, he was informed that, although their final Report had not yet been published, they had fulfilled their promise, and had made recommendations for the amendment of the law. He readily admitted that the law was extremely defective. When Notice was given by the noble Lord (Lord Eustace Cecil) of the present Motion, he caused an independent inquiry to be instituted into the working of the law, and thus discovered many defects which must be removed. He believed he was not anticipating improperly the Report of the Commissioners, by saying that one point they specially dealt with was the necessity so strongly insisted upon by the hon. Member for Frome (Mr. T. Hughes) of doing away with the absurd, antiquated, and useless jurisdiction still retained in some parishes in London. He believed the noble Lord would say that he had, like the deity of old, "granted but half his prayer;" but he trusted he would not add "the rest dispersed in empty air." With regard to the suggestion of the hon. Member that the Government might carry out some such scheme as he shadowed forth, he would remark that although, with regard to great political measures like the Irish Land Bill, the Government could successfully appeal to the loyal attachment of their own party, yet, on questions like the present, independent Members would scarcely be inclined to waive their own opinions as to the remedy to be provided, and a proposal to cover the country with inspectors, to inquire into the proceedings in every shop, would somewhat try the attachment of many followers of the Government. However, he frankly admitted that there did exist a very considerable evil. While making this admission, he would say, without complaining of the use his noble Friend made of the speech of his right hon. Friend the President of the Board of Trade, that the noble Lord's remarks on that speech rather tended to mislead the House as to the right hon. Gentleman's meaning. His right hon. Friend did not deny that adulteration, even though it might not be noxious and poisonous, was a fraud which ought to be punished; but he said in mitigation of the evil that what was deficient in quality was sometimes compensated by the lowness of the price. The noble Lord had stated that milk was adulterated with water in the proportion of 6½ to 9. He was delighted to hear that the evil was so much less than he anticipated. But supposing the milk were supplied pure, there could be no doubt that the price would be higher than at present, and if the pathetic appeal of Liston to the milkwoman—to put his milk in one cup and the water in another—had been successful, there was no doubt that he would have had to pay as much for the small quantity of milk as he had before paid for the milk and water mixed together. He (Mr. Bruce) was not there, however, to defend any adulteration whether noxious or otherwise. In his opinion it was a very grave offence, and analogous to obtaining goods under false pretences. A man who sold a 3½ lb. loaf for a 4 lb. loaf obtained money by a false pretence, and the same applied to one who sold as genuine a spurious article. This evil prevailed widely, and that the remedies hitherto applied were inadequate he freely admitted. This might be owing to the defects in our legislation on the subject, and his hon. Friend the Member for Birmingham (Mr. Muntz) had brought forward a measure providing that every local body in the country should be compelled to employ an analyst. He confessed he did not see how the difficulty could be effectually grappled with except by the diligence of officials, whose duties it should be to inquire into these cases and to examine into all complaints which might be made to them. If his hon. Friend had pressed his Bill it would, no doubt, have received a candid consideration from the House. Here he might remark that the Government were not open to the charge made by the noble Lord that they cast impediments in the way of legislation by private Members. A very large proportion of the time of the House was in the hands of private Members, and these questions could be well dealt with by them. The Government had given the Bill of his hon. Friend (Mr. Muntz) every consideration, and were prepared to afford him every facility for proceeding with it next Session. He (Mr. Bruce) was not prepared, like the noble Lord, to sketch out the remedies. He was, however, prepared to admit the evil, and would undertake to give the matter his best consideration. The question of weights and measures had been referred to a Committee, and that Committee had made certain recommendations, which he hoped to be able soon—in all probability next Session—to embody in a Bill. With respect to the other portion of the Question, he could not pledge himself to introduce a measure, the provisions of which he had not sufficiently considered; yet admitting, as he did, the evils which existed, it would, of course, be his duty to endeavour to provide a remedy.

Mr. STEPHEN CAVE, as the only member of the Royal Commission on Standards who was also a Member of the House, would like to say a few words on this subject. He thought the noble Lord (Lord Eustace Cecil) had done excellent service in bringing the question before the House. It was one which required frequent and special attention from those who professed to legislate for the good of the people, especially for those in the lower grades of the social scale. What could be more inconsistent for them than to remove political disabilities, to insist upon education, to lay down strict rules as to the habitations of the people, to regulate the number of cubic feet of air which are to pass through their lungs, to insist upon the duty of landowners to provide fit and proper habitations for the labouring class, and yet to allow them, year after year, to be the victims of the grossest frauds—frauds which not only robbed them of a portion of that scanty food which too many had so much difficulty in procuring, but worse than that, frauds which, together with reduced quantity, gave them quality so bad that the food failed to afford them that nourishment so essential to enable them to perform their daily work? And even worse than that, which substituted for the wholesome stimulant—the refreshing beverage, compounds so noxious that a man who intended to do no more than take that moderate amount which persons in his position could do with impunity and advantage, was so overpowered by the poisonous drugs with which his liquor was adulterated that he proceeded to excesses which caused more than half the crimes of violence in the country, and excused the strong language of those philanthropic people inside and outside the House, who had proclaimed a crusade against the use of fermented liquors, which might be directed with more justice and better chance of success against the sale of these abominable poisons. He thought it was Sydney Smith who gave in former days an amusing catalogue of the taxable articles, from the materials of the cradle to those of the coffin, which a man was compelled to use during his passage through life; and, a few days ago, he saw in an American paper a similar estimate of the additional cost imposed upon almost every article of dress and use by the heavy duties of the United States. But those were taxes most part of which, at any rate, went to meet the exigencies of the State, and were, móreover, imposed on all alike; whereas these frauds, of which his noble Friend had given instances, had the great vice of protective duties—namely, that they went, not into the Exchequer, but into the pockets of individuals, and fell, moreover, almost exclusively on those classes which were least able to bear them. They heard a great deal in those days of the free breakfast table, and of the pressure of indirect taxation on the working classes. He wished the working classes were a little more alive to the amount of taxation levied upon them by some of the most violent declaimers in the cause of what was called financial reform in the shape of short quantity and bad quality. They heard, from time to time, denunciations of the extravagance of Governments, and elaborate calculations of the deduction from the wages of the labourer and artizan for useless pageants and bloated armaments. He should like to see a similar table of deductions from their wages by means of short weights and measures, by unwholesome meat and milk, adulterated bread, sugar mixed with potato flour and worse things, tea literally *maris expers;* besides the enormous cost to individuals and to the ratepayers on account of the intoxication, and crimes, the result of intoxication, caused by the sale of beer mixed with deleterious drugs. He saw, himself, a few days ago in a bye street, the driver of a coal cart diligently watering the sacks of coal or coke to increase their weight. Bread, the chief necessary of life, was perhaps most tampered with. One could hardly take up a local newspaper without seeing convictions for short weight. Latterly, there had been prosecutions for adulteration of bread, chiefly with alum, which was said, by the medical men who gave evidence, to be unwholesome and indigestible. In the *Food Journal* was an account of a sample of sugar received from Cheltenham—

> "So fearfully adulterated (to use the words of the journal) with chromate of lead, that we wonder how the unfortunate partakers of it survived to tell the tale."

It seemed to have been used to improve the colour of inferior sugar. Chromate of lead was also used in confectionery; and, for the satisfaction of those who liked such things, he might say that, in one of the cases before the Bench of magistrates, witnesses for the defence declared that cakes and buns could not be made without it. Alum was also used in cheap wines to give dryness and fix the colour. With regard to milk and cream, a paper published by the Royal Agricultural Society last year, stated that not only was the adulteration with water from 30 to 50 per cent, but the measures were 25 per cent short. And in that, as well as other cases, one of the worst consequences of the system was, that the whole trade became demoralized, and the man who wished to be a fair dealer declared that he was obliged to follow suit, otherwise he could not live. Well, then, the question was—"Is the law in fault, and, if so, how can it be amended?" He might say here that the Standards Commission had been considering this subject very carefully, and their Report, which would shortly be issued, went very fully into the question, especially that portion of it which related to fraudulent and incorrect weights and measures. He would remind his hon. Friend the Member for Frome (Mr. T. Hughes), who appeared very impatient in this matter, that he did not allow him to remain in Office long enough to give effect to his suggestions: and as to the Report of the Commissioners, his hon. Friend had only read their third Report; but if he waited till their fourth Report was in his hands, which would be in a few days, he would find that there was no foundation for his charge of their having neglected these points. The question, indeed, would be found fully gone into in the forthcoming Report of the Commission. It would not be proper for him to forestall this Report. But he might make this observation, that when it was stated—and no doubt truly stated—that the number of convictions for incorrect weights was not large, and that of these only a small proportion, variously stated at from 8 to 25 per cent of the whole, are for practices positively fraudulent, yet it must be remembered that, as had been accurately stated by the hon. Member for Frome, the inspection was carried on in many places in a wholly unsatisfactory manner, and this also should be borne in mind—namely, that the worst cases of fraud were not committed by means of false weights and measures—which were tolerably easy of detection, but by using correct weights and measures in a fraudulent way. The Irish law provided for those cases, and in certain instances inflicted imprisonment. In England there was no such provision, though in a few cases lately magistrates had convicted and imprisoned offenders of this class under the charge of obtaining money under false pretences. That, however, notwithstanding what had just been said by the Secretary of State for the Home Department, was generally considered to be somewhat straining the law. No doubt in all such cases a public inspector and prosecutor was requisite, with power to deal with such frauds. The poor who bought small packages of sugar and other commodities on a Saturday night in a crowded shop were great losers by these malpractices. The packets were already weighed and placed in readiness on the counter, and the buyers had no means of checking the weight, and even if they had, they had no money to prosecute, and being generally in debt to the shop, dared not complain. Consequently, Mr. Scholefield's Act was almost wholly inoperative, as he had ventured to predict it would be when it was passing through the House. Then, again, punishment by fine was in most cases inadequate. Imprisonment had lately been inflicted with excellent effect in the case of sellers of diseased meat, and the publication of the names of offenders, either according to the French system by a placard, like those detailing offences against decency and order, which were suspended on the park gates and in railway stations, or in the newspapers, as was done in some metropolitan parishes, would act as a most wholesome check to fraudulent tradesmen. But, then, on the other hand, care must be taken that these are real cases of fraud. He must say that tradesmen had reason to complain of the indiscriminate administration of the law in many cases; and he thought that magistrates should dismiss many of the trivial cases on which they now convicted, for to punish a man for incorrect weights when the error was against himself was manifestly absurd. Again, small traders complained that purchasers would insist upon the "turn of the scale," as it was called, and, therefore, tradesmen were obliged to counter-balance that by a draught in their favour, just as when some extra-punctual Paterfamilias kept all his clocks five minutes in advance, in which case, of course, his household soon found it out, and allowed for it, and more besides. Small tradesmen also said, with less justice, that their bad debts were so many that they must protect themselves by giving short weight or lowered quality. That, however, would scarcely apply to such cases as the pint of ale, just filling half a tumbler, at which hon. Members would probably grumble next week at Epsom. There were, however, some purchasers who, by their own proceedings, did much to cause, and almost justify, fraud. He had spoken of the "turn of the scale," and he had heard, too, that tenders for supplying milk at 2*d.* a quart had been accepted by Boards of Guardians — a price at which genuine milk could not possibly be sold. He did not know whether his noble Friend intended to take a Division or not. In the prospect of the speedy publication of the Report of the Commission he should hardly advise him to do so, though he should certainly support him; because he thought he (Mr. Cave) had said enough to show that there could be no doubt of the absolute truth of his proposition, and of the existence of practices highly injurious to the poor, and discreditable to a large number of the trading classes—practices which, in the interest of the humble purchaser, as well as the honest seller, it was incumbent on the Government to abate by every means in its power.

MR. MUNTZ said, he was glad to hear that the Government had given consideration to his Bill, which he would take care to reintroduce early next Session. The first question was that of weights and measures. The people had to complain, not only of false weights and measures, but also of the variety of weights and measures. They had Avoirdupois weight and Troy weight, and Apothecaries weight, and Long weight and Short weight, and he did not know how many other weights. It was impossible that the working classes should understand all these weights and measures. In addition to that, a bag of wheat in some counties contained three bushels, and in others four; and in one county a bushel contained 60 lbs., and in another 70 lbs. It seemed to him that, in a civilized country, the people might surely agree upon some definite standard, and he could not see any reason why the French system should not be adopted. The question of adulteration, however, was a much more serious one than many hon. Members might be disposed to believe, for it was not only a matter of cheating, but in some cases one of life or death. He told the House, in moving the second reading of the Bill which he had now withdrawn, that two-thirds of the people were plundered and one-third poisoned; but he found he had understated the case, and that he should have said all were plundered and two-thirds of them poisoned. All of the latter class might not die; but in many cases a very injurious effect was produced upon them by the poisonous ingredients which they consumed. This was essentially a poor man's question, for the wealthier classes could take care of themselves, as they had the power of dealing with whom they pleased; but the poor were compelled to deal with those to whom they owed money, the greater number of them being in debt. In towns the matter was bad, but in agricultural districts the matter was worse. He had heard it said that the working classes ought not to be in debt, and should lay by something to provide for a rainy day; but did hon. Members ever think what it was to have to keep a wife and three or four children on 10*s.* or 12*s.* per week? How could they save any money to meet the emergencies to which they were liable? As to adulteration, he found it stated in *The Lancet* that an examination was lately made of articles purchased at shops in London. Taking the article of coffee, that purchased at the West-end shops was pure; but out of samples from 27 shops at the East-end, 23 contained only 25 per cent of coffee, the rest being composed of equal parts of beans, crusts of bread, and brick dust. A similar article was sold in the poorer quarters of Paris, and French medical men said that wherever gastric fever prevailed they could trace the sale of that most deleterious mixture. When he was engaged in commerce some years ago, a traveller in the drug trade called at his office and left a price list. Being asked about discount he said that there was none allowed in London, but 25 per cent was allowed to country dealers and 50 per cent for export. The purity of the article was according to the price, so that a physician in Australia would have to prescribe eight grains to produce a result equal to four grains given in London or six in the country towns. A friend of his made an analysis of blue pills he had purchased. Of late years blue pills had become fashionable amongst the working classes, and it might surprise hon. Members to hear that many of the blue pills which were sold in the poorer districts were made of slate filings and blue clay. He came now to the question of beer, which was most important. It appeared that the Shropshire magistrates of quarter sessions, with Sir Baldwin Leighton as chairman, appointed a committee to inquire into the causes of the increase of drunkenness, to which their attention had been turned. That committee reported that there could be no doubt whatever that many cases of drunkenness, of assault, and of other offences of a kindred nature arose, to a considerable extent, not from the quantity, but the quality of the malt liquors consumed, and that the so-called drunkard, who was brought up for punishment, often owed his degradation not so much to his intemperate habits as to the misconduct of others, who most richly deserved the penalties of the law. They added that the ingredients used in brewing malt liquor were malt and hops; that any foreign matter found in it should be proof of adulteration; and that it was well known that *cocculus Indicus* was frequently used. But the wealthier classes had also their share of the poisoning; for instance, it was notorious that verdigris was used in pickles. That was an old-fashioned story, but he would give them an approved mixture for port wine —45 gallons of rough cider, six gallons of brandy, tincture of logwood sufficient to colour, and three gallons of decoction of sloes. He heard that in the month of February last a baker in Cardiff was summoned, under Mr. Scholefield's Act, for making bread, not with alum but with plaster of Paris; he was convicted, and fined £5. He threw down the money on the table, saying that a week would make it up again. Now, if that gentleman, instead of living in Wales, had lived on the banks of the Euphrates he would have been nailed by the ear to his own door-post until the going down of the sun. What was wanted was a good system of inspection and analysis, and a stringent enforcement of severe laws against adulteration. The difficulty in dealing with this matter was not so enormous that it could not be met by Her Majesty's Government. We had a whole network of Excise officers all over the country; they had plenty of time, and if instructed to act now and then they would be able to cope with the difficulty. In Paris alone there were 60 men employed in going around constantly examining the various articles sold, and if a person was convicted they did not insert his name in *The Gazette* which his poor customers were never likely to see, but they put up "adulterated" on a board in his shop, and if he took the board away a policeman was placed there for a month at his expense. That was what we wanted here, and with all his love for liberty he would like to see a little of Imperialism in this country in reference to this subject. This might be called a social evil. Medical men assured him that *cocculus Indicus*, which was much used in adulteration, very often seriously affected the brain and spine. He trusted the matter would receive the attention of the Government, and that hon. Gentlemen would be found in that House to bring the subject forward until it should. He had found by experience that the only way to get anything done was by importunity, and as the widow obtained all she wanted by importunity, so the House would get in the same way whatever they required from Her Majesty's Government to put an end to this system.

Sir CHARLES ADDERLEY said, that though he fully agreed with the first part of his noble Friend's (Lord Eustace Cecil's) Motion, and admitted that the state of the law was most unsatisfactory, yet, in the concluding portion, which called upon the Government to give their early attention to the subject, if that meant immediate legislation, he could not concur. The Royal Commission, which was engaged in consolidating all the sanitary laws, of which he was Chairman, had not yet reported, and if the Government were to attempt to deal with the question now, they would probably by-and-by have to legislate on it over again. The second part of the subject was one essentially for the local authorities of the country, and not the Imperial Government to carry out. If they were of opinion that the local authorities all over the country should deal with the matter, Parliament would find absolutely nothing to be done but to alter the word "may" in the existing law into "must," and the Act of 1860 would be perfectly adequate to the requirements of the case. The Act of 1860 empowered all vestries and district Boards in the metropolis, the courts of quarter sessions in the country, and the town councils in boroughs to appoint analysts to analyze suspected food—and any person might bring it to be analyzed—to fine the guilty, and to publish their names after a second conviction. Therefore, every possible provision was made, if the word "may" were only turned into "must." The Sanitary Act of 1866 also made it the duty of the inspectors of nuisances, not only to examine suspected food, but to enter premises where it was likely to be found; and, if any were found unfit for consumption, to destroy it. The Pharmacy Act for registering the sale of poisons gave considerable control over those who sold such things as *cocculus Indicus*. From the evidence taken before the Commission, it appeared that wherever the analysts had made use of their powers, the adulteration of food rapidly diminished. Under these circumstances, he should be sorry if the Government were prematurely to undertake to pass a measure on the subject, for this simple reason, that it might only complicate the law.

MR. LOCKE said, the right hon. Gentleman who had just sat down was averse to immediate legislation, and yet he appeared desirous of having it, for he had stated that all that was required was to change "may" in the Act of 1860 into "must." If the Secretary of State for the Home Department were to introduce that change, he would make the Act of Mr. Scholefield operative where it was now a dead letter. He disliked permissive measures, believing they were never effective; and he had never voted for one of them in his life. Nobody was desirous of putting the Act of 1860 into execution, because, in the first place, it was very expensive to do so. The Government might legislate with perfect ease on the whole subject, and place in the hand of the magistrates the powers now exercised by leet juries. A Bill of two short clauses might dispose of the entire question, and it might pass both Houses in as many minutes. Education was, no doubt, a most excellent thing; but the body and mind might be reduced by bad food to such a state as to be incapable of benefiting by education. Therefore, he would suggest that, before pressing on the Education Bill, the Government should put the children of the country into a fit condition to derive advantage from it.

MR. KINNAIRD said, he wished to call attention to the strong language embodied in the Report of the Committee, of which he had been a member, on the subject. He deplored the fact that the only result of that Committee had been the passing of a Permissive Bill by the Government, which was practically a dead letter. He certainly thought that when hon. Gentlemen had devoted so much time and labour to a question of such importance to the community at large, more attention ought to be paid to their recommendations. He agreed with the hon. Member for Southwark (Mr. Locke), that two clauses effectively drawn would accomplish the object they had in view. He might be asked—"Then why do you not bring in a Bill?" To this, he must reply, that were he to do so, the Chancellor of the Exchequer would immediately, in all probability, cut it to pieces, on the ground that it would in some way affect the Revenue.

MR. PEEK said, no one could deplore the adulteration of food more than respectable tradesmen did. He believed, from his experience as a magistrate, that the question of false weights might be easily dealt with by the Government; but the subject of adulteration could not be dealt with so easily, because the first question was what was adulteration? There were, for instance, various classes of sugar, paying different rates of duty. If the first class, paying the highest duty, was pure sugar, all the others, paying less duty, must necessarily be more or less adulterated — or rather there must be less saccharine matter in them. He had no hesitation in saying that tea was an article very little adulterated, and of that adulteration not 1 per cent of the adulteration occurred in this country. With regard to sugar a highly respectable tradesman had recently suffered much in consequence of a parcel sent by him to one of the workhouses being pronounced adulterated. Immediately on his being informed of the fact he obtained another sample from the docks, and after considerable trouble and expense he satisfactorily proved that the sugar he had supplied was in precisely the same state as when it was brought into this country. It was hard that if the Government called that article sugar, and received duty for it as such before it left the docks, a respectable tradesman should be taken before a police-court on a charge of adulteration, and put to an expense of £200 to clear his character, as clear it the man did in the case to which he referred, but without obtaining any redress. He knew a case some years ago, when pepper was subject to a high duty, where an exciseman found in a ground sample some 8 or 9 per cent of foreign matter—wood and meal mixed in. The tradesman, who was fined £100 for such offence by the Commissioners, came to him for advice. On their going to the docks they were fortunate enough to find some of the same bulk remaining, and a package being obtained and carefully analyzed, it was found to contain exactly the same proportion of foreign material as the pepper which the officer had discovered to be adulterated. Under the circumstances the Excise did not enforce the penalty; but the tradesman was put to a great expense, and if he had not been a man in good circumstances his character must have suffered. The Government, he thought, ought not to receive duty on goods, and allow them to go out of the docks, if they were not satisfied that the articles were fit for human consumption, and as a practical man, he asked the Secretary of State for the Home Department, if he brought in a Bill on that subject next Session, to take that point into his consideration.

Mr. M. T. BASS said, it was a mistake to suppose that beer was almost universally adulterated. He repudiated the notion on the part of the brewers, and he firmly believed, after a very long experience, there was not one in a hundred publicans—he thought he might add not one in a thousand—who ever adulterated. It was next to impossible to adulterate ale without its being detected, and as to the use of *cocculus Indicus* it was all a mistake. He brewed 2,000 barrels of ale daily, and he appealed to the hon. Member (Lord Eustace Cecil) to say how it was possible for him to cart sufficient *cocculus Indicus* to his premises to adulterate that quantity of ale without detection. It was, in fact, a joke. The Chancellor of the Exchequer in his Budget speech referred to what he had been told about turning the New River into the beer cask. It was quite possible the flavour of the New River water might improve the beer; but he did not believe a word the right hon. Gentleman was told upon that subject. The right hon. Gentleman went even beyond that, and said that if a tax on beer was substituted for the malt duty brewers would brew the strongest possible beer, export it, make four barrels out of one, and cheat the Revenue to an unheard-of extent; but the thing was absurd. The Excise officers could tell almost to a grain of malt how much was put into a barrel of beer. Speaking on behalf of the body with which he was connected he had no hesitation in saying that in the event of any measure being adopted by Parliament which would diminish adulteration of every description, he was convinced that no class would derive so much advantage from such a measure as the respectable publicans of this country.

Lord EUSTACE CECIL said, he would beg leave to withdraw his Amendment. He did so because it seemed to be the opinion of the House that a monstrous evil in the way of adulteration did exist, and the Secretary of State for the Home Department had promised to consider the subject.

Amendment, by leave, *withdrawn*.

ARMY—INDIA—KIRWEE PRIZE MONEY.

MOTION FOR ADDRESS.

Mr. GOLDNEY said, he rose to call the attention of the House to the Petition of Major Generals Miller, Nott, and Ludlow on behalf of the officers and men of the late Sir G. C. Whitlock's force, employed during the War in India in 1857-8, and to move an humble Address to Her Majesty that their claim to have Rs. 25,60,000 and other debts, due to the Kirwee Chiefs, treated as booty, may be fully inquired into, and referred for the decision of a legally constituted tribunal. He wished to treat the subject from the view of a civilian. He had no personal interest in it; nor did he happen to know any of the parties who would be benefited if the prayer of the Petition were complied with. When the Mutiny in India broke out every inducement was offered to our troops to use their utmost efforts to put down the rebellion. The Governor General, while endeavouring to guard against pillage, caused to be published proclamations in which the soldiers were informed that every proper provision would be made for distributing among them any booty to which they might become entitled. The case of a mutiny differed, of course, from that of a war as regarded prize as well as other matters; but the troops were informed that anything which might be taken from the rebels would follow the ordinary course of things as regarded prize and booty, except what had been taken by the rebels from loyal natives, and afterwards recaptured by soldiers of the Queen. For a long course of years the Court of Admiralty had exercised jurisdiction over Navy prizes, and in respect of operations in which the Army and Navy were combined, that Court decided as to what constituted booty and as to the manner in which it should be distributed. But up to the year 1839 the Treasury, with an appeal to the Privy Council, generally decided as to what should be considered booty for the Army when it carried on operations by itself, and as to the manner in which that booty should be distributed; thus naval prize money up to 1839 came solely under the decision of the Court of Admiralty, and army prize money up to that period was dealt with by the Treasury. But by an Act of the 3rd and 4th of Her Majesty, the power of dealing with questions of prize money for the Army was also transferred to the Court of Admiralty; and in 1864, during a discussion on the subject of the Banda and Kirwee prize money, that Act was especially brought under the notice of Parliament by Lord Palmerston. Lord Palmerston then expressed an opinion that all cases of disputed prize money should be determined by the High Court of Admiralty, and that opinion was supported in a work published as late as 1867 under the authority of the Indian Department. That was the footing upon which matters stood at the breaking out of the Indian Mutiny. It had been decided in the Deccan case that not only all property actually captured by the troops should be regarded as booty, but also that all monies that found their way into the hands of the East India Company in consequence of the war, should be equally booty. Three Orders had been issued by Lord Canning, in 1857 and 1858, taking a similar view of this question. At the period when General Whitlock's force was advancing on Central India the Kirwee Chiefs, who were in rebellion, held promissory notes of the East India Company to the value of about £250,000, which sum they had deposited in the hands of the Company, those notes being payable to order on demand. The advancing force having come in contact with a large body of rebels under the Nawab of Banda, a battle ensued, and the result was that the Nawab's army was defeated, and Banda taken possession of by the victors. Immediately after the engagement the Nawab went to Kirwee—a distance of 40 or 50 miles—to join the Chiefs there; and negotiations were opened, in which the Kirwee Chiefs, in the first instance, refused to submit. Ultimately the Kirwee Chiefs surrendered; but their troops retired to the hills, and General Whitlock took possession of the city, and afterwards defeated the troops. The treasure seized was very large, and included a number of jewels and some money; but these promissory notes were, it was believed, carrried off by one of the principal retainers, and afterwards destroyed. There was abundant evidence, however, to show that they should be treated as prize money—the number of the notes, the amount they represented, and the specific dates of each were set out in a Proclamation of Lord Canning some time before the capture of Kirwee. Those officers who were engaged in the affair had presented a Memorial to the Queen, praying that the notes might be dealt with, and treated as prize money, both under the general rule, and also under Lord Canning's Proclamation. The value of the booty seized was estimated at £700,000; but when the matter was remitted to the Admiralty Court the sum amounted to only £500,000, and the memorialists prayed that the value of the promissory notes should be added. The Treasury, in reply, offered to hear the parties by counsel, but limited them to one counsel, and the period to be within 10 days; and the memorialists expressed their satisfaction at what they then considered the great impartiality and condescension of the Lords of the Treasury. But that condescension was not continued, because on their making requests for information, including a request for a copy of the opinion of the Law Officers of the Crown on a precisely similar point their requests were not complied with.

THE CHANCELLOR OF THE EXCHEQUER said, probably the hon. Member was not aware that the document could not be found, and that it was so stated.

MR. GOLDNEY said, he thought the memorialists had acted indiscreetly in pressing the matter in the way they had; but the Lords of the Treasury should not have come to a decision on such slight considerations as they had, after hearing only one counsel. In the year 1860, when these claims of the troops were being urged, the question as to the amount held by the East India Company, and due from the Company on these promissory notes, was referred to several authorities in India, who were divided in opinion as to whether the troops were entitled to the amount or not. A dispute also went on for some years as to the jewels and cash actually seized, though eventually it was determined that they did belong to the soldiers. He mentioned these circumstances in order to show the great difficulties interposed to prevent the men from deriving advantage from the prize they had actually captured. There could be no doubt that the promissory notes were constructively among the property seized, and that they had been actually returned as such by the prize agents in their report to the Government. This either was booty or it was not, and the Army was entitled to be satisfied on such a point by the decision of a competent tribunal. The opinion of the Duke of Wellington was that Orders in Council by the Governor General of India were binding upon the Government, and he maintained that after the Orders in Council at the end of 1857 and the commencement of 1858 the troops had a right to expect that this money would have become their prize, and it would have been so treated had the Company remained in power. He thought it exceedingly unwise that the Imperial Treasury should refuse the claim of the Army to have a decision on this subject—to have their rights fairly recognized and adjudicated upon by a legal tribunal. It was not competent for the House to decide the question at issue; but he thought that, both upon general grounds and upon the special ground that the original Kirwee prize money fell short by the sum of £200,000 of the amount which appeared in the Order in Council, it was competent for the House to send an humble Address to the Crown, praying to have the matter submitted to a Court of judicature. The hon. Member concluded by moving the Address.

MAJOR ANSON, in seconding the Motion, said, he desired to express no opinion as to the legal right of the troops to this money, but simply to support their claim to a decision from a Court of Law. Soldiers, who were not as a rule lawyers, when they came to read this debate to-morrow, would say it was perfectly clear that they had a legal right to this money, for the Government would not otherwise have been afraid to refer the matter to legal decision. Now, upon these matters he had had some experience. He was the English Commissioner appointed to divide the spoil and plunder taken at the Summer Palace at Pekin, and in that capacity he had a quarrel with his French colleague, who told him that he was utterly ignorant of the noble art of looting, and was unaware of some obscure code of honour by which his decisions ought to be regulated. To this he expressed his regret, adding that that was only the third Imperial Palace at whose sacking he had assisted, but that he should, he hoped, be better instructed on the subject by the time he came to assist at the taking of the Tuileries. With an Army such as ours, from which we expected twice as much work as was expected from the army of any other nation, it was impossible to get on unless discipline and the power of the officers over their men were thoroughly preserved, and this necessity existed more especially in India, where our troops had to contend not only against overwhelming enemies but apathetic allies. Those who were acquainted with the history of the Indian War would acknowledge that the turning point in the mutiny was the storming of Delhi by two or three thousand of our troops. Those troops were almost lost in the vastness of the place, and if the soldiers had given way to straggling, or gratified their tendency to plunder, India would probably have been lost to us. But they were told that the plunder would be divided among them, and, placing implicit faith in their officers and in the Government, they resisted the temptation. Our Army was the only army in the world where there was any system of distribution of the prizes of war. He would give an illustration to show how it worked. When we were advancing on Pekin the English Army was on the right, and our allies, the French, upon the left. On arriving where we expected to find a very large force of the enemy our allies were no longer to be found, and it was not until early next morning that we discovered that, by some extraordinary mistake, they had marched straight across our rear, had gained the Summer Palace, and spent the night in plunder. Three days after the French Army, as an army, ceased to exist, there was neither regiments nor organization. But during the whole of that time the English Army were encamped in front of the gates of Pekin, and not a single man was found in the Summer Palace, and the consequence was the complete success of the operation. He mentioned that to show the difference of discipline, which arose altogether from the fact that in our Army the men knew that they would receive what they fairly gained in time of war, and that it would be distributed to them afterwards. It was the reverse in the French Army, and, therefore, the French soldiers took what they could get. If the Government were to arrogate to themselves the right of deciding upon these questions, they would very materially shake the confidence of the soldiers. It was of the utmost importance to the discipline of the English Army that the Government should consent to allow this question to be tried by a Court of Law, and not settle it themselves in an arbitrary manner.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that the claim of Major Generals Miller, Nott, and Ludlow, on behalf of the officers and men of the late Sir G. C. Whitlock's force, employed during the War in India in 1857-58, to have Rs. 25,60,000, and other debts, due to the Kirwee Chiefs, treated as booty, may be fully inquired into, and referred for the decision of a legally constituted tribunal,"—(*Mr. Goldney,*) instead thereof.

THE ATTORNEY GENERAL said, far be it from him to dispute the justice of the eulogy pronounced by the hon. and gallant Gentleman (Major Anson) on our troops in India, or to disparage the importance of the services they had rendered to their country in suppressing the Indian Mutiny. Those services were invaluable; he was sure they were appreciated highly by all, and not least by Her Majesty's Government; and he was certain that neither the Government nor any man in that House would grudge to those troops any booty, spoil, or remuneration to which they were entitled by the amplest construction it was possible to put on the rules of prize. It was satisfactory to know that a sum amounting to about £550,000 had already been distributed among those troops, and if they were entitled to that further sum by all means let them have it. But he thought he should be enabled to show to the House conclusive reasons why it was impossible for the Government to agree to the present Motion. The first reason he had to allege was, that that matter had been referred to a competent tribunal, with the consent of the claimants —indeed, at their desire—that they had been fully heard before that tribunal, and that that tribunal had decided. His hon. and learned Friend (Mr. Goldney) laboured under some misapprehension as to the law relating to the matter, and also as to the nature of the tribunal competent to deal with prize cases. There was no positive law whatever bearing on the subject. All booty belonged to the Crown, and it was at the absolute discretion of the Crown how it should be divided. The Courts of Law had more than once said that that question was not a legal one. He might refer to a case in Chancery, which was well known to his hon. and learned Friend—that of the Rajah of Coorg—in which this was said—

"Where the property of a captive Prince is taken by a hostile sovereign Power in war, no Court of Justice has jurisdiction over the transaction."

And the great Deccan case, which his hon. and learned Friend cited as a great authority in his favour, was decided by the very same tribunal which his hon. and learned Friend now sought to depreciate—namely, by the Treasury. The Treasury was, and always had been, recognized as the proper tribunal for advising Her Majesty in these matters; and his hon. and learned Friend would find, if he would turn to the report of the case of the Army of the Deccan, that on an application being made to the Privy Council to entertain it, the Privy Council refused to do so, on the ground that Her Majesty's Treasury was the proper Court for the determination of the question. Therefore, the only great case that had been decided at all on prize law was one that had been decided by the very tribunal which his hon. and learned Friend sought to depreciate. His hon. and learned Friend appeared to be under the further misapprehension that that jurisdiction of the Board of Treasury had now been transferred to a legal tribunal. That was not so. There had been no transference whatever. The Board of Treasury still retained the same functions which it had exercised before, and which it exercised in the great Deccan case, and exercised, as far as he could understand, to the satisfaction of his hon. and learned Friend. The 3 & 4 *Vict.* c. 66 said no more than this—that if Her Majesty thought fit, by Order in Council, she might send a case for consideration before the Court of Admiralty; but the jurisdiction of the Treasury, which existed and was exercised before, still remained, and it was a question for the discretion of Her Majesty whether she should go out of her way by Order in Council to transfer a case of that kind for consideration to the Court of Admiralty. Therefore, he said that matter had been heard by a competent tribunal. He said farther that it had been heard with the consent, he might almost say at the request, and with the full concurrence of the claimants; and he said, also, that it had been fully and completely heard. He confessed he was somewhat surprised to hear his hon. and learned Friend, in a rather sneering manner, say the case had been argued by only one counsel, especially, too, as it had been argued most fully and most elaborately by his hon. and learned Friend the Member for Oxford (Mr. Vernon Harcourt), than whom no man was more competent to do so, and who urged everything that he could urge on behalf of the claimants. He was the more surprised to hear that objection from a lawyer, seeing that in almost every special case, in arguments on demurrers, arguments in Courts of Error, involving questions of the highest importance, one counsel and one only was heard. Therefore, in hearing one counsel the tribunal of the Treasury adopted the course often followed by Courts of Law in cases of the utmost importance. He himself had appeared on behalf of the East Indian Government, and he would ask why were the parties who had submitted their case to a competent tribunal not to be bound by its decision? If the decision had gone against himself, arguing the question on behalf of the East Indian Government, and he had disputed the competence of the tribunal, would it not have been said he was acting most unfairly? Even if the case had been referred to arbitration, by the consent of both parties, surely both parties would have been bound to accept the award of the arbitrator. It would not be competent for the House to deal with a complicated case; but this was a simple one and involved no difficulty. The claim on behalf of troops as against the Crown was made in respect of certain promisory notes of the Indian Government, which it was alleged were captured at Kirwee—in other words, it was alleged that the Crown by its troops captured a debt due from itself, and the claim set up was that it should distribute that debt due from itself among the troops. The statement of the case disposed of it, and no prize court ever entertained so absurd a claim. But the promissory notes were never captured at all, for they were never found—a fact which had been conveniently ignored; and it was consistent with what took place that they had been destroyed or transferred by the Rao before the troops took Kirwee. Assuming that the notes had been captured, they were only a written acknowledgment on the part of the East India Company—which soon afterwards became the Crown, of so much owing to the Rao; but there was no such debt due, because six months previously, payment of the notes had been stopped, on the ground that the Rao was in open rebellion; and a man could not invoke the laws he was in rebellion against. It could not be said that the Crown could have made a claim against the Company, because there was no claim against the

Company; and it was a conclusive answer to the claim against the Crown that, at the time of the alleged capture the Rao was in open rebellion. If the Rao had no claim how could anyone else have one? The precedents which his hon. and learned Friend had relied upon did not apply. In the Deccan case, the Company had in their hands money belonging to the Peishwa, and the Crown treated them as agents holding this property for him. Further, the Peishwa was an enemy, while the Rao was a rebel; and, therefore, different considerations applied to the two cases. If the Treasury had decided that a debt due from the Sovereign of a conquering army could be treated as a prize and could be captured, that decision was wrong, and the same tribunal was justified in reversing it. It was not as if the Treasury were bound by a long series of precedents; indeed, there were scarcely any; and if the Crown had been wrongly advised 30 years ago, that was no reason why it should be wrongly advised again. He trusted there would be no misunderstanding as to the Government wishing to treat the Army with liberality. The troops had a large amount of booty; all that by the widest latitude could be described as such the Government willingly gave them; but their further claims were referred to the Treasury, without the expression of any desire to carry the matter to the Court of Admiralty, and the Treasury had decided that there was really no pretence for treating these notes as booty. In this case the debt, being due from the Sovereign of the capturing army, was extinguished by the rebellion, and upon these two grounds the case was clearly distinguishable from other cases in which the doctrine of constructive capture had been carried to great lengths.

Sir JOHN HAY: Sir, I shall be glad to make a few observations on the subject under discussion. My hon. Friend the Member for Chippenham (Mr. Goldney) has fully stated the legal bearings of the casè. I confess that I do not feel myself competent to deal with the legal subtleties involved in this matter. I am no lawyer, and I think I shall do well to follow the example of the hon. and gallant Member for Bewdley (Major Anson), and view the matter as it will be reviewed by the soldiers whom it concerns. The hon. and learned Gentleman the Attorney General has just said that perhaps unlearned Members were not aware that in a case of this sort it was not usual for more than one counsel learned in the law to plead. Well, we have heard from him one side of the case most ably argued; and, probably, the fact that one counsel is sufficient may account for the absence of the Solicitor General. But the absence of the Solicitor General may, perhaps, also be accounted for by the fact that he does not agree with the Attorney General in the views which he has now thought fit to submit to Parliament. I am justified in that presumption by the following opinion, which I find in the Papers presented to Parliament, and which I now hold in my hand:—

> "Opinion of Counsel on the question of the Government Loan Bonds belonging to the Chiefs of Kirwee, submitted to the consideration of Counsel by the Special Prize Committee, September, 1868:—
>
> "1. Booty of war, in the sense of army prize, being a question of the bounty of the Crown, and not of strict right, is not susceptible of accurate legal definition. We are of opinion, however, that the notes in question are such property as has been distributed in other instances amongst a successful army by the Crown, and in such a matter precedent is usually and properly followed.
>
> "2. We see no reason why in such a question any distinction should be made between the case of the insurgent forces in India and a foreign enemy.
>
> "3. Having regard to the precedents, we are of opinion that the present case affords good ground for presenting a memorial to the Crown for the grant of the value of the notes in question to be distributed on the footing of booty.
>
> "Until a memorial has been presented, and has been dealt with by the Crown officers, we do not see any point upon which we can usefully advise further.
>
> (Signed) "J. D. Coleridge.
> "W. V. Harcourt.
> "Harris Prendergast.
> "J. F. Stephen.
> "Frederick Ramadge."

I believe the name of J. D. Coleridge here mentioned is the Solicitor General, at present absent from the House. Now, when I find such a divergence of opinion even among the Law Officers of the Crown—when a question is so difficult that two gentlemen so eminent in their profession cannot agree upon it; how much more difficult must it be for those whom it affects, the officers and soldiers of our Army, to understand a decision which may deprive them of their rights. I express no opinion as to the proprietary rights of anyone in the booty under discussion; but I think the Treasury should refer the question to the decision of the High Court of Admiralty, as is demanded by the soldiers of the Army who are claimants, and as is provided by law. The Attorney General has said that the notes in question do not exist; that, in fact, there is nothing to distribute. Well, if that be so, the High Court of Admiralty will decide that as there is nothing to distribute they cannot divide it. I suppose, however, that these notes are, or were, the representatives of some value; and I gathered from the Attorney General that they did, in fact, represent value of moneys appertaining to the Peishwa or his representatives, but that the value they represented had escheated to the Crown, by reason of the treason or rebellion of these Princes. It then, no doubt, becomes a question whether the property so escheated had fallen to the Crown before or after the occurrences which gave the troops a claim for prize. But what, above all, presses upon me the necessity for a reference of the matter to the High Court of Admiralty is this—the High Court of Admiralty is pointed out to the Army of India by the Queen's Regulations as the final Court of Appeal in matters of prize. It will be unfair to the Army to issue these Regulations, and not to abide by them. The following is the article in the Regulation to which I refer—

> "The final jurisdiction in all disputed cases of prize money now rests with the High Court of Admiralty, under the Act 3 & 4 *Vict.*, c. 65, s. 2."—[See *Cochrane's Regulations*, p. 608.]

THE CHANCELLOR OF THE EXCHEQUER: That is not true.

SIR JOHN HAY: That is not a very courteous remark on the part of the right hon. Gentleman.

THE CHANCELLOR OF THE EXCHEQUER: I say it is a mis-statement made in the Regulations.

SIR JOHN HAY: The Chancellor of the Exchequer says that the Regulations of the Army of India are not true, as if they did not exist.

THE CHANCELLOR OF THE EXCHEQUER: I beg the hon. and gallant Gentleman's pardon. I did not say that. I said that the statement contained in these Regulations is not true, because it contradicts an Act of Parliament.

SIR JOHN HAY: I am sorry, then, to find that the Secretary of State for India has given his sanction to Regulations which, according to the Chancellor of the Exchequer, are contrary to an Act of Parliament. How, I ask, are soldiers to know whether these Regulations, to disobey which would be death in some cases, contradicted an Act of Parliament? The Chancellor of the Exchequer is conceived by the Indian Army to have robbed those soldiers of money to which they believed they were entitled, and he now comes down to the House and tells us that these Regulations are not true. I am sorry to find that the Secretary for War is not here, for there can be no excuse for withholding this case from the High Court of Admiralty, particularly as the Solicitor General has given an opinion that he saw no reason why there should be any distinction made between the insurgent forces in India and a foreign enemy.

THE CHANCELLOR OF THE EXCHEQUER: The hon. and gallant Gentleman is attributing all sorts of motives to me. This is the property of the Indian Government, and not that of the Treasury, which has no more interest in it than the hon. and gallant Gentleman himself.

SIR JOHN HAY: Then let the case be referred to the High Court of Admiralty, which is an impartial tribunal. At this moment the Treasury is not impartial. I again repeat the observation. That remark appears to irritate the Chancellor of the Exchequer. The right hon. Gentleman and the Government are doing that which will sow distrust and want of confidence between the Army and the Crown, by not keeping faith with the soldiers who have served the Crown. It is my duty to appeal to the Government to refer this question to the High Court of Admiralty, whose business it is to decide it.

SIR HARRY VERNEY said, there could be no doubt that at the present moment the feeling of the House was that the decision of the Treasury would not be satisfactory to the Army. As representatives of the nation, the Members of that House were called upon to convince the Army that they were desirous of doing them justice. They did not complain of the Chancellor of the Exchequer defending that which he considered right; but the Army of India believed that this money belonged to them, and the question should be decided by a competent legal tribunal.

MR. EASTWICK: Sir, I should be glad to support any Motion in favour of rewards to troops who acted so nobly and suffered so much as those that suppressed the Indian Mutiny. At the same time, I must own I see very grave objections to the Motion of the hon. Member for Chippenham (Mr. Goldney) both as regards the claim that the Kirwee promissory notes should be regarded as prize money, and also that such claim should be referred to the Court of Admiralty, or to any Law Court whatever, for decision. First, as regards the claim itself. Kirwee, a small town in the Allahabad division of the North-West Provinces, was the Jágír or barony of Amrit Rao, a Maratha Prince, who joined the British troops under Arthur Wellesley in the war against the Peshwá Bájí Rao. He gave up his claims to be Peshwa on our granting him an allowance of £80,000 a year. His son, Vinaek Rao, died at Kirwee in 1853, leaving an adopted son named Mahdu Rao, a boy about seven years old. He had formerly adopted another boy named Narayan Rao; but had disinherited and imprisoned him. We have, therefore, to do only with Mahdu Rao. This boy was about 11 years old in 1857, when the Mutiny commenced. He was under the guardianship of one Radha Govind, whose conduct was such that the Governor General, in *The Calcutta Gazette* of the 9th of January, 1858, declared the Kirwee Chiefs to be rebels. The boy Mahdu Rao, amongst other property, had inherited Government promissory notes to the value of £250,000. On the 7th of January, 1858, these notes were stopped by the Government of India, and all persons were warned in *The Calcutta Gazette* against receiving them. The Advocate General states at page 45 of the Papers of 1869, they were confiscated; and, as Lord Canning says he concurs with this officer, we must conclude that in his view the notes really were confiscated. They became State property, and as such were specially exempted by Lord Canning's Proclamation of November, 1857, from being dealt with as prize. On the 4th of June, 1858, five months after the notes were confiscated, General Whitlock having marched on Kirwee, Radha Govind, Mahdu Rao's guardian, who was the real rebel, decamped to the hills. Mahdu Rao and Narayan Rao at once gave themselves up, or rather sought protection in the British camp, for they were probably in great danger themselves from the numbers of our mutinous sepoys, who had made Kirwee a rendezvous. There was no fighting, or the slightest attempt at defending Kirwee. Mr. Mayne, the Collector of Banda, took peaceable possession of the palace, and was there for two days before General Whitlock discovered that the mistake of civil occupation might deprive him of prize money. In September, 1858, the boy Mahdu Rao was tried by Mr. Mayne under the Mutiny Acts of 1857, and was found guilty of treason, but, "with no fixed criminal intent!" whatever that may mean, and was sentenced to have all his property confiscated. Our Advocate General declared the sentence "irregular and unwarranted;" but saw no reason why we should not so far act on it as to strip this child, the adopted grandson of our ally, of all he had. This was done, £500,000 was realized, and even the drummer-boys of General Whitlock's force were rewarded for their services in marching from Banda to Kirwee, 35 miles, in very hot weather, with about £30 each. But the troops, or rather the prize agents, were not satisfied, and claimed the promissory notes, which it appears, from the Papers, they did not capture, for they were carried off by Radha to the hills and there lost. and which, if they had captured, could not, the lawyers say, have been regarded as prize money, unless transferable to bearer, and as they have been lost, none can say whether they were so transferable or not. But even if they had been captured and found to be transferable to bearer, they had been, as I have said, specially declared not to be prize by the Government—that is, by the Crown. This decision was affirmed by the Law Adviser of the Indian Government to be correct, and has been re-affirmed by the Lords of the Treasury in this country. Sir, I do not go into the precedents which have been adduced by the claimants, such as the Dakhan tribute, and the Coorg promissory notes. They are wholly irrelevant, because they are all wanting in the special feature that marks this particular case—namely, that the Government had declared the Kirwee notes to be State property, and had specially exempted State property from being prize. With respect to that part of the Motion which would refer this claim to the Court of Admiralty, I object to it most strongly. That Court might, indeed, decide who should share in what the Crown of its bounty assigns as prize; but, in my humble opinion, to give up the Prerogative of the Crown to a Law Court, by allowing that Court to pronounce what is prize and what is not, is to be deprecated in the strongest possible manner. On one account I am glad that this Motion has been made, and that is because I think it is high time that Government should declare, in the most positive terms, that all such property as is not actually recovered by the troops at the point of the bayonet, all debts and papers and property not in the hands of the enemy, shall henceforth be reserved by Government to meet the expenses of the war, and to enable it to discharge the numerous just claims which are always made upon it in consequence of war. As for these notes, an hon. Member has asked what has become of them, or, as they have been lost, of their money value. I will tell him what has become of them. They have been very properly applied by Government to make a provision for Mahdu Rao, when he comes of age, and I hope that that arrangement will not be disturbed. In the case of Dhalip Singh, and others, their private property had not been taken from them. But suppose the money had been appropriated by Government, or given to the troops, I ask the House to consider what would have been the effect on our credit in India? Would any Native invest money in our loans, if he found it was liable to seizure on the imputation of treason or disaffection? I will read to the House what a great authority—Vattel—says on the subject of the immunity from seizure of money similar to these notes—

> "Everything that belongs to the nation is subject to reprisals whenever it can be seized, provided it be not a deposit entrusted to the public faith. As it is only in consequence of that confidence, which the proprietor has placed in our good faith, that we happen to have such deposit in our hands, it ought to be respected even in case of open war. Such is the conduct observed in France, England, and elsewhere."

And again—

> "The State does not so much as touch the sums which it owes to the enemy. Money lent to the public is everywhere exempt from confiscation and seizure in war."

If the Army were to be allowed to consider all property to be prize, the effect would be general discontent, while the Government would be deprived of the means to meet its own expenses. He thought it would be exceedingly impolitic to agree to the proposition before the House.

MR. WHALLEY said, in answer to the arguments advanced by the Attorney General, he must deny that the decision of the Treasury could in any respect be regarded as that of a Court of Law.

COLONEL NORTH said, that some years ago he moved an humble Address to Her Majesty for the appointment of a Commission to inquire into the subject of the distribution of prize money generally throughout the Army. Lord Palmerston, who was at that time Prime Minister, said the subject was a proper one for inquiry; a Royal Commission was appointed, and it reported that in disputed cases the Act of 3 and 4 *Vict.* should be put in force. In 1864 the Lords of the Treasury issued a Minute, in which they expressed their concurrence in that recommendation. The present Prime Minister was at that time Chancellor of the Exchequer. He regretted the absence of the Solicitor General on the present occasion, because on two occasions the hon. and learned Gentleman gave an opinion in favour of the claim now under consideration. He must observe that since he first entered the House he had never heard a declaration that astonished him more than the one made this evening by the Chancellor of the Exchequer. The right hon. Gentleman said that a statement contained in the Regulations for the Army was not true, because it was in contradiction of an Act of Parliament. The question before the House was not merely whether a sum of £250,000 should be paid or not; it was also whether the confidence which the soldiers had hitherto reposed in their officers and in the Government with respect to prize money should be shaken. The soldiers believed that the money now claimed would be paid out of the Treasury, if paid at all, and, therefore, they would not be satisfied if the matter were not referred to some disinterested tribunal.

MAJOR DICKSON said, that the Attorney General and the hon. and learned Member for Penryn (Mr. Eastwick) had argued the question on different premises. The Attorney General said that the property of the Chiefs had been confiscated for rebellion, and therefore the Army had no claim to it. The hon. and learned Gentleman (Mr. Eastwick) said it belonged to a minor, that it had not been confiscated, and that, therefore, it could not be given to the Army. The Attorney General was employed against the soldiers by the East India Company, and, no doubt, then, as now, he spoke from his brief; but the difference of opinion between learned Gentlemen in that House showed the necessity for an inquiry before a competent tribunal. He trusted that the House would accede to the Motion of the hon. Member (Mr. Goldney), and then the soldiers would feel that every class of Her Majesty's subjects could obtain justice from that House.

MR. GOURLEY said that no proof had been adduced in support of the claim that had been put forward on behalf of the soldiers engaged in the capture of Banda and Kirwee, neither was there any proof of the existence of the notes in question. They had already received £550,000 from the booty taken during the expedition. He could not tell why soldiers who were paid for their services by the nation should have any claim to booty at all, and he believed that the hope of booty was calculated to demoralize them. Under these circumstances he hoped the House would not accede to the Motion.

COLONEL BARTTELOT said, that the hon. Member who had just sat down appeared to think that soldiers had neither feeling nor sense, or anything, but that they were to be put up to be shot at by the enemy. Soldiers, however, had as much feeling as other persons. The soldier was told that he was neither to loot, plunder, nor destroy, but that if he did his duty honestly and well he would receive his reward in the shape of his share of the booty captured; and the House ought, in the interest of the country, to take care that this promise to the soldier was faithfully kept. The hon. Member who spoke last had said that it was not known that the notes had ever existed; but they had been returned as prize by the prize agents themselves. An opinion to the effect that the soldiers were entitled to the value of the notes had been signed by Sir John Duke Coleridge, Mr. Harcourt, Mr. Prendergast, Mr. Stephen, and Mr. Ramadge. The right hon. Gentleman the Chancellor of the Exchequer had had a great deal to do with this matter. On the 10th of May, 1869, when the matter had been brought before him in the Treasury Chambers, the right hon Gentleman had observed in reference to the decision in the case of the Deccan prize money, that the force of absurdity could no further go, to which Mr. Harcourt replied that he should not have ventured to apply such an expression to a decision arrived at by Lord Liverpool and his Colleagues, under the advice of the Duke of Wellington and Lord Lyndhurst. In his opinion, the right hon. Gentleman would do well, after having heard the almost unanimous opinion of the House upon the question, to yield in the matter, and thereby place himself in a much better position with respect to it than he occupied at present. It was unjust and ungenerous to delay the further distribution of the prize. It would be detrimental to the Army and its interests, and he hoped the House would affirm the Resolution.

SIR CHARLES WINGFIELD said, that if this claim had been put forward on behalf of the troops who had been engaged in the sieges of Delhi or of Lucknow, he should have been the last to oppose it. The 7,000 troops in question had, however, taken Banda and Kirwee after a very slight engagement, and they had already received £50 per man, which he regarded as ample reward for the services which they had rendered. It was a question of the munificence and bounty of the Crown—whether, in fact, the army engaged at Kirwee had been fully recompensed by the gift of the whole of the moveable property which had fallen into their hands, for it must be remembered that the notes had never been found to this day. Nobody would fail to admit that the men engaged had been extremely fortunate, and everyone who had at heart the financial position of India should feel thankful to the Government for declining to accede to an unreasonable demand.

MR. R. TORRENS said, he remarked with surprise that the Chancellor of the Exchequer declared the Queen's Regulations to be null and void, and contrary to law.

THE CHANCELLOR OF THE EXCHEQUER said, he had made no such statement.

MR. R. TORRENS said, he would

appeal to hon. Members opposite as to whether the right hon. Gentleman had not declared the Regulations null and void, and expressed the opinion that the House should adhere to the precedent already laid down, and maintain the Act of 3 & 4 *Vict.*, by sending this case to the proper Court, so that the whole facts might be clearly ascertained for the satisfaction of the Army and the country.

Mr. SINCLAIR AYTOUN said, that the point under discussion should not be dismissed on military, Indian, nor legal grounds, but should be dealt with on the simple issue whether the Treasury had gone beyond the strict line of its duty. He thought it had, and that the matter should be referred to the Court of Admiralty.

Mr. STANSFELD said, he feared that hon. Members might have become somewhat confused in considering how far the questions at issue were questions of law, policy, or fact. He was quite sure his hon. and gallant Friend (Sir John Hay) had no intention to mislead in his reading of the Regulations he had quoted, and yet he feared the impression produced differed from that which the facts would support. The hon. and gallant Member had read extracts from the Regulations, not the Official Regulations of the Army, but from a copy published by the authority of the Secretary of State for India, and the words used were that "the final jurisdiction in all disputed cases of prize money now rests with the High Court of Admiralty." Not only when his hon. and gallant Friend read that passage, but upon other occasions when hon. Members referred to the jurisdiction conferred by the statute on the Court, the impression produced was that the Act conferred a positive jurisdiction on the Court of Admiralty to decide questions of booty and of prizes. That impression was incorrect, for the 22nd section of the Act said—

> "The High Court of Admiralty shall have jurisdiction to decide all matters and questions concerning booty of war or the distribution thereof which it shall please Her Majesty, her heirs, and successors, by the advice of Her and their Privy Council, to refer to the judgment of the said Court."

The House would see, therefore, that the Court only had jurisdiction on the motion of the Crown by an Order in Council, and that its jurisdiction would be confined by the terms of that Order and the questions thereby referred to it. He would now allude to the Regulation read by his hon. and gallant Friend, who would, no doubt, acknowledge that a few words extracted from a document could not be accurately interpreted without reference to the context. Now, the only words cited by the hon. and gallant Baronet were to the following effect:—

> "The final jurisdiction in all disputed cases of prize money now rests with the High Court of Admiralty under the Act 3 & 4 *Vict.* c. 65 s. 2."

If, however, the context were before the House, he believed it would be found that the disputed cases referred to were disputed cases of distribution. As many hon. Members were aware, the vast majority of the cases referred to Courts of Law were not questions of what was booty and what was not booty, which was a matter for the decision of the Crown and its Advisers. The question usually referred to a Court of Law was —given a certain amount of booty, how should it be distributed among certain troops?

Sir JOHN HAY said, that the Court might decide what was booty.

Mr. STANSFELD said, the Court, no doubt, had jurisdiction as regards booty as well as regards distribution, if the subject were referred to it by an Order in Council. His hon. and gallant Friend had quoted three lines from one of the Regulations; but he maintained that it was unfair to judge of the effect of the whole document from so short an extract.

Sir JOHN HAY said, the book was in the Library.

Mr. STANSFELD said, he had no doubt it was, and he felt assured that his hon. and gallant Friend, familiar as he was with the accuracy with which Regulations of this kind were drawn up, would admit it was highly improbable that any Regulations had been issued which were inconsistent with the terms of the statute or of the law. Some hon. Members had referred to a legal opinion, signed by the Solicitor General and other counsel. Now, that opinion was a very guarded one, and one must know that the opinion of a counsel called in to advise a client on his own statement of his case could not be regarded as having the weight of a judicial decision. On the case submitted to them the counsel for the claimants began by saying—

> "Booty of war in the sense of army prize, being a question of the bounty of the Crown, and not of strict right, is not susceptible of accurate legal definition."

How, then, could it be obligatory on Her Majesty and her Advisers to submit the question to a Court of Law? The learned counsel went on as follows:—

> "We are of opinion, however, that the notes in question are such property as has been distributed in other instances amongst a successful army by the Crown."

It would be observed that the counsel for the claimants recorded their opinion on a question of fact and not of law. Without for a moment referring to the question whether the notes were actually captured or not—for the opinion in no way bore on the question of actual or constructive capture—all they ventured to say was, that notes of that description had been allowed to be distributed as booty among troops. And what was the advice of the learned counsel? As the postscript of a letter often contained its pith, so the practical advice tendered by counsel was the most important part of their opinion. In the present instance they did not venture to assert that the claimants had a right which the Crown could not refuse to recognize, but they said—

> "Having regard to the precedents, we are of opinion that the present case affords good grounds for presenting a memorial to the Crown."

The whole extent of that opinion, then, was, that counsel very fairly advised the claimants to try the effect of a memorial. So that even if the opinion could be held to be binding on the House, and, of course, no opinion of any counsel who was instructed to advise one of the parties could be binding, it went no further than to say that the case was one which might fairly be submitted to the judgment and the generosity of the Crown. His hon. and learned Friend who brought this question forward (Mr. Goldney) was under a mistaken impression as to the proceedings of the Treasury. The function of that Department was not to sit in judgment as a legal tribunal, but to advise the Crown how to act in this matter of discretion. Counsel were heard on both sides. His hon. Friend had said the Treasury refused to furnish copies of the opinions given by the Law Officers of the Crown in 1825, and of other documents. The fact was, however, that the parties only wanted these documents if time and opportunity allowed of their production; and it happened that time and opportunity did not allow of it. The case was most fully argued on behalf of the claimants. He must endorse the opinion of the Attorney General that they were most efficiently represented. The hon. and gallant Gentleman who seconded the Motion (Major Anson) had alluded to the great exertions, risks, and sacrifices of the troops; and, insisting on the importance of maintaining discipline, he had urged the Government to take a liberal and generous view of the matter, because, he said, it was of vital importance that our soldiers engaged in foreign wars should not search for booty themselves, but should have a well-founded confidence that whatever booty was taken would be fairly distributed among them. But in the present instance no question of fair distribution was raised. If it had been, it would, of course, have been referred to the consideration of a Court of Law. The question here raised was—"What is booty?" His hon. and gallant Friend's argument about the danger of our troops indulging in looting was really in favour of the policy upheld by the Government—namely, that we ought to keep as near as possible to the doctrine of actual capture. In the Deccan case which had been quoted against the Treasury it was laid down that, although in some cases constructive capture was allowed, yet that doctrine ought not to be enlarged. The question now at issue was, he maintained, not a legal one, but one of justice and good faith. If the soldiers had not had ideas on this subject instilled into their minds by persons who were more lawyers than soldiers, it would never have occurred to them that they were entitled to the money value of promissory notes which had never been found. There were only two legal points in this matter, and they were quite simple. The first was that, save under Lord Canning's Proclamation, there could be no right to prize money, because the law did not recognize any such right in the case of civil war—an assertion in which every lawyer in the House would support him. The claim must rest upon a fair interpretation of that Proclamation, the terms of which were that all movable property belonging to the rebels that was ordinarily distributable and was captured by the troops should be held to be prize. Could anyone say that promissory notes, of which the soldiers never dreamt, were property within the meaning of that Proclamation? It was impossible to raise upon that Proclamation any question which Her Majesty's Advisers were bound to refer to a legal tribunal; but even if the Government agreed to refer the subject to such a tribunal, would his hon. and learned Friend say what question should be submitted? No legal question could be defined. It was impossible that his hon. and learned Friend could submit to the Government and the House any question which could be submitted to a legal tribunal, for, in addition to whatever he might suggest, it would still remain for the Government to advise the Crown with respect to the exercise of its prerogative, and its generosity in dealing with this question of bounty.

Mr. HENLEY said, he understood that, in 1868, when the idea of making this claim first arose, the opinion of the Solicitor General was obtained, and he advised that there was a case on which to memorialize the Treasury. An application was thereupon made to the Treasury, and the case was heard, counsel appearing on both sides, nor could he find in the correspondence any request that the matter should be referred to the Court of Admiralty; on the contrary, the memorialists expressed their thankfulness at the Treasury having undertaken to hear their case. Much had been said about the Treasury in the course of this debate; but it should be recollected that it was not this country but the people of India who were interested—a material point which had not been kept in view. The Treasury could, to say the least, act impartially between the Army and the people of India, who would have had to pay, had the decision been in favour of the soldiers; nor had he heard a word in this debate to show why there should be any appeal from the tribunal which had already given a decision on the subject to that Court to which it was equally open to the memorialists to have applied in the first instance. The parties had sought the decision of a tribunal whose offer they accepted with thanks, and they ought now to be bound by the result.

The SOLICITOR GENERAL said, he should not have taken any part in this discussion had not some observations been made respecting his absence from the House during the debate. He only desired to say now, that having been counsel for those on whose behalf an application was now made to the House, he thought it would be only becoming in him to abstain from taking any part in this discussion; and he preferred to absent himself from the House in order that he might not be appealed to and forced into taking part in a debate on a matter in which he had been engaged as adviser before he held his present Office. His opinion had been read to the House, and by that opinion he was still bound. He believed there was a case for the consideration of the Treasury, and he advised that a memorial should be presented; but he gave no opinion whatever as to what was likely to be the result of the application. He hoped the House would not think he was acting unbecomingly, either as a Law Officer of the Crown, or as former adviser to the claimants, if he stood by that opinion, and refused either to advance or to recede.

The CHANCELLOR of the EXCHEQUER: After having been so much called upon in this debate, it is hardly possible for me to avoid saying a few words. I will just state what I understand to be the question before the House, and how matters now stand. Her Majesty's troops took Kirwee, and they were entitled to receive, and did receive under a judgment by Dr. Lushington, a very large share of the booty which they took there. Their advisers and friends then raised a further claim—that in addition to booty valued at £500,000, they were entitled to the proceeds of certain promissory notes worth £250,000 more. Those promissory notes were not taken in Kirwee, but are supposed to have been lost or destroyed; at all events, they are not forthcoming, and could any one claim upon them except he was able to present them? They claim to be constituted the creditors of Her Majesty for the value of those promissory notes in addition to the £500,000 they have already received from the bounty of Her Majesty as prize money, and their claim is upon the Indian revenues for £250,000. There is a proper and constitutional tribunal for giving an opinion on the subject of that claim, and for advising Her Majesty whether she shall extend her Royal bounty beyond the amount already given. That tribunal is the Treasury Board, and no other body whatever. That is absolutely beyond dispute, and there is a precedent for it in the case of the Deccan prize money, which was heard and decided by Lord Liverpool and the Lords of the Treasury. That case has been cited against us by those who wish to deny our authority; but, under the circumstances, what were the Treasury to do in this case? They had the power, if they so chose, to advise Her Majesty to issue an Order in Council referring this matter to the Court of Admiralty, and such a course was adopted by Lord Palmerston's Government in the case of the £500,000 already distributed among those troops; but that led to immense expense and litigation, and to the great delay which has been complained of by almost every speaker who has blamed the Treasury Board for their conduct. No doubt that delay is a matter very much to be lamented; for, as has been said, many times soldiers die, and they lose the reward to which they are justly entitled. The Treasury felt that this was not like the question which was referred to Dr. Lushington, that being a complicated and difficult matter, and one which involved disputes as to issues of fact as well as raising points of law. In this matter, there was one simple question with which the Treasury believed themselves perfectly able to deal, considering the assistance they would receive from the learned counsel who would be engaged in the case; and, therefore, out of kindness to the claimants, and for no other reason, the Treasury took upon themselves the heavy responsibility of exercising their jurisdiction instead of pushing it off upon the Court of Admiralty; for the effect of the latter course would inevitably have been to put the parties to an enormous expense, and to cause them to suffer endless delay before a decision was given. The decision of the Court would have been subject to an appeal to the Privy Council. To save the soldiers this, to give a speedy decision, and in the confidence—though that may have been misplaced—that we should be able to do justice in this matter, the Board of the Treasury undertook to discharge this duty, and their offer, as has been already stated, was received with gratitude. Not a word of objection to their undertaking the duty was ever stated; the two litigant parties, the Indian Government and the representatives of the troops, appeared by very able counsel and were heard. All sorts of imputations have been cast on the Board of the Treasury, but we were absolutely impartial; it mattered not to us whether this money was given to the troops or to the Indian Revenue. All we wished was that justice should be done between them, and that it should be done cheaply and speedily. My right hon. Friend the First Minister of the Crown presided on that occasion, and the other Lords of the Treasury, myself included, were present. We heard and considered the matter without the slightest bias or feeling, and, having considered it, we gave our decision in favour of the Indian Government. We are now asked virtually to cancel that decision—to treat it as null and void. Why? Because those against whom we decided are dissatisfied. Of course, one side or other must always be dissatisfied with a decision; but I ask the House, in its anxiety to further the ends of justice, not to do a great injustice in this matter. Both parties appeared and were heard, and asked the decision of the Treasury upon their case; each side took the risk of the decision being adverse, though of course hoping that it would be favourable. Suppose the decision of the Treasury had been in favour of the soldiers, would they now be coming forward to speak of the tribunal as improper and inadequate? Had the decision been against the Indian Government they would have lost £250,000, yet they raised no objection to the question being determined by us. They could have made no valid objection; but they did not even attempt to do so. I contend that a litigant has no right to bring his case before a tribunal, taking his chance of what the decision may be, and then, when it is adverse, to turn round and raise the question whether the Court was a proper one to try the case. If there were any objection to the jurisdiction of the Treasury it ought to have been urged before the arguments were proceeded with, and not afterwards. In trying the case, we took upon ourselves a heavy responsibility, without any motive whatever to bias us; we discharged that duty to the best and utmost of our ability, and we deserve a better return than to be accused of partiality and arbitrary conduct by those against whom we have committed no offence whatever, except it be that, after the best consideration we were able to give to the subject, we could see no justification whatever for their claim. Under these circumstances, I trust the House will be content to let the matter stand, and will not desire to re-open the question.

Sir JOHN HAY read from the Articles of War a passage in support of the statement which he had made, and which he understood to have been impugned by the right hon. Gentleman opposite (Mr. Stansfeld).

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 108; Noes 67: Majority 41.

CHILDREN EMPLOYED IN AGRICULTURE.—OBSERVATIONS.

Mr. FAWCETT, in rising to call attention to the Report of the Commission appointed to inquire into the condition of Children Employed in Agriculture, said, this was now the third time he had endeavoured to direct attention to the subject, and he would do so as briefly as possible. In all the discussions which had arisen upon education in and out of that House, scarcely a single reference had been made to this Report; yet there never was one which embraced more important information, or threw more important light on the educational problem in various aspects. It would tend to correct an unfortunate feeling which was growing up, and which had been fostered by the action of the Government and by what had occurred during the present Session. It was supposed we had solved the most important part of the education problem when we had brought the means of education within the reach of every child; but this Report conclusively demonstrated that it was not enough to bring the means of education within the reach of every child. Beyond this there was something more important—to secure that children should avail themselves of these educational advantages. Although the ignorance that prevailed in the rural districts was deplorable, it did not exceed the extent of ignorance in some of our largest and wealthiest towns. No language could be used too strongly in praise of the efforts made by the clergy to extend education in the rural districts; and, although the zeal displayed by landowners was not so great as that of the clergy, everything that could be done had been done to improve in their own districts the means of an excellent education. But if they found that, after all, the state of education in the rural districts was scarcely more satisfactory than it was before that new zeal began, the conclusion was irresistible that something more was required, and that education in the rural districts never would be rendered what it ought to be simply and solely by the provision of schools. He would show this by some references to the Report, which he believed would be found marked by fairness and candour. Mr. Stanhope, one of the Assistant Commissioners, who visited the counties of Nottingham and Lincoln, stated that they were well supplied with schools. Scarcely was there a village in which there was not a good school; yet he added that the state of education in those counties was becoming more unsatisfactory as the schools were becoming more satisfactory. The reason was, that the age at which children were taken from school was gradually dropping, owing to the demand for juvenile labour, and the provision of good schools was powerless to counteract it. Schools were not so much wanted as the securing the attendance of children at them. The Bishop of Manchester, one of the highest authorities on the subject, who had been employed on the Commission, and who had investigated this subject carefully, accurately, and completely, stated that in 19 counties of England which he had visited there was school accommodation for one-half more children than attended them. It had been shown again and again that good schools in many districts had been provided, and that the state of education did not improve one iota. So long as the children were taken away and sent to work, the school was little more than an infant school. In Gloucestershire, Mr. Stanhope found children as young as six years were sent to work, and if that was so, how could the provision of schools secure the education of children? In the county of Dorset boys of eight or nine years were sent to follow the plough. Mr. Woolaston, diocesan inspector in the county of Sussex, admitted that schools had improved; but school results were not more satisfactory, because during the last 10 years the average age at which children were taken from school had been dropping. At the present time the average age at which boys left school in that district was less by 11 months than it was 10 years since. But the evil did not stop here. School attendance became also more irregular and intermittent. One diocesan inspector stated that an average school attendance of five years represented an actual attendance of only three years. There was only one way to cure the evil — by placing some restriction on the age at which children might go to work. When the Factory Acts were passed the principle was laid down that the State had a right to interfere between the parent and the child; and, therefore, it could not now be contended that the State had not a right to interfere between the parent and the child employed in agriculture. It was said that the farmer wanted the labour of the child; but to that he replied that the evidence before the Commission brought out the fact that the prosperity of agriculture varied inversely with the age at which children were sent to work. In Northumberland, where children were rarely sent to work until they were 12 years old, a superior class of agricultural labourers was to be found; and in consequence the farmers were able to pay 20, or 30, or even 40 per cent more wages for labour than in the worst counties of England. Mr. Culley, who was employed by the Agricultural Commission, stated that so superior was the labourer in Northumberland in consequence of increased intelligence resulting from the practice of not sending the children to work until they were 12 years old, that the labourer, on account of his increased efficiency, was enabled to receive higher wages. Upon the point whether it was necessary for a child to go to work at eight or nine years of age in order to learn his trade, the evidence given before the Commission was conclusive. Mr. Fraser and other Commissioners examined the labourers, and their testimony was unanimously to the effect that it was not necessary for a child to go to work at that early age, and that a child would learn his trade better if kept at school until he was 12 years old. The poverty of the parents was urged as a most formidable objection to the adoption of a system of compulsion in respect to the schooling of the children, because the parents, it was said, could not afford to lose any portion of the earnings of their children. On the other hand, a good deal was to be said in favour of a general system of compulsion, which would limit the supply of juvenile labour throughout the country, and thereby directly increase its price. At the same time, it would indirectly produce important effects on the wages of adult labour, for nothing more depressed the wages of adult labour than the competition of juvenile labour. This argument, however, would cease to have effect if, instead of a general compulsory system throughout the country, some hybrid and permissive sort of compulsion was introduced, according to the scheme of the Government, establishing compulsion in one village and not in another at a certain distance from it. But whatever the House might do with respect to compulsory education, the labourers in counties where the wages were 8*s*., 9*s*., or 10*s*. a week, could not be worse off than they were at present, for it was not the competition of the labour market which controlled the rate of wages in those counties, but the rate of wages was determined by a consideration of the minimum on which a labourer could live. The result, therefore, of the introduction of a general system of compulsion would be that the labourers in those counties would not starve, but when the wages of the children were taken away a slight addition would be made to the wages of the adults in order to enable them to live. Then came the question, how was this system of compulsion to be worked out? He did not wish to bring forward any definite scheme of his own, but would refer to the schemes of two Commissioners, which were directly opposed to each other. Mr. Tremenheere proposed that up to the age of 11 years every child employed in agriculture should be compelled to attend school 160 times during the year, or, in other words, to have 80 days' schooling; but if a child of nine years could pass an examination in the fourth standard, then the number of school attendances should be reduced from 160 to 60, and if at 10 years of age a child was able to pass an examination in the next standard, then all obligation to attend school should cease. The plan of having 160 school attendances was a proposal analogous to the clauses in the Print Works Act, and it was remarkable that the Secretary of State for the

Home Department was about to introduce that very evening a Bill to amend the Print Works Acts, because the educational clauses in them had proved a miserable sham and idle mockery. Mr. Leonard Horner, one of the most experienced Factory Inspectors, said he regarded the Print Works Acts as mockeries of legislation and absolutely useless. The scheme of Mr. Tremenheere was unfortunately marred by that fatal principle which would drag all children to one dead level, for he proposed that the clever and industrious boy of nine should be required to attend school only one-third of the time that the less gifted or less industrious boy did. This would defeat one grand end of education, which was to discover and develop talent, and to enable the clever boy to advance from the National School to the University. Mr. Tufnel said he would forbid the employment of children not only in agriculture but in any industry whatever until they were nine years of age, and that he would gradually advance the age to 10, 11, and 12; but he did not seem to be prepared to recommend, as a necessary corollary, the securing of the attendance of children at school when they were not permitted to work; and it would be obvious we should only be encouraging idleness and vice if means were not taken to secure the schooling of every child not permitted to work. He therefore maintained it was absolutely necessary to have, not permissive compulsion, but a general system of direct compulsion, to save from ruin the children forbidden to work. Admirable as were the results obtained by the Factory Acts, one effect of their operation was, that parents, knowing their children must attend school when they began work, neglected their early education, so that the factory children when they began work were less well educated than those not intended to be employed in factories. This showed that it would be mischievous and disastrous to forbid the employment of children, unless we had a general system of compulsory school attendance. Mr. Tufnel urged the importance of uniform legislation, because he showed that, if one branch of industry was more restricted than another, children were attracted from the more restricted to the less restricted occupation, the natural flow of labour was unduly disturbed, and injustice was inflicted upon those engaged in the industry subjected to the most onerous restriction. He had been accused of holding extreme views upon the religious question; but he attached far more importance to compulsion than to the religious aspect of the Government Bill, because, without compulsion, the best schools, with the most liberal regulations, would not accomplish the education of every child. This done, many questions touched upon in the Report, connected with the condition of the agricultural labourer, would solve themselves. It was of little use building good cottages for people who did not appreciate them; but the more highly cultivated peasantry of Northumberland would not live in bad ones. Those who were well taught would acquire a taste for rational pleasures, which would do more to keep them from intemperance than any Licensing Bills. In conclusion, he would beg to move—

> "That, in the opinion of this House, the evidence obtained by this Commission proves that the ignorance which prevails in the rural districts is in a far greater degree due to the early age at which children are taken from school to be sent to work, than to any general deficiency in the means of education."

Mr. SPEAKER reminded the hon. Member that, according to the forms of the House, the Motion could not be put.

Mr. BRUCE said, the main object of the speech of his hon. Friend seemed to be to show the necessity of a compulsory system of education. He (Mr. Bruce) would be the last to say that the educational condition of children in the agricultural districts was satisfactory; but there was ample evidence to show that the children in the agricultural districts were not worse educated than children in the towns. As many persons were able to read and write in the agricultural districts, and as many persons signed the register there, as in the towns, and he was sorry to say that the places where ignorance was the largest and deepest were the large manufacturing towns. He had hoped to find some light thrown upon the special difficulties connected with education in the agricultural districts; but his hon. Friend (Mr. Fawcett), though he had been successful in showing the objections to the schemes of the Commissioners, had made no suggestion of his own upon the subject. This might be no reason why the Government or the House should not attempt to legislate, and apply, in some modified form, the half-time system to the agricultural districts. But it was a proof of the difficulty of the question that his hon. Friend, who had made it a special study, did not assist the House in getting out of the difficulty. For his own part, before any further legislation was attempted, he should like to see how the House would deal with the principle of compulsion in Committee upon the Education Bill. If the Bill were carried, even in its present form, the compulsory clauses must apply to large portions of the agricultural districts. His hon. Friend said that the ignorance which prevailed in the agricultural districts was not due to the want of good schools; but it was certainly a fact that the proportion of schools which were in a position to receive aid from the State, and which were alone recognized by the Bill, was very small in the agricultural districts. The Bill provided for a more elastic system in dealing with children in the rural districts than elsewhere, because no other class were employed at such uncertain periods. Clause 66 empowered every school Board to make by-laws requiring the parents of children above 5 and under 12 years of age to cause such children, unless there was some reasonable excuse, to attend school; and the next by-law was to determine the time during which children were so to attend school—

> "Provided that no such by-law should be contrary to anything contained in any Act for regulating the education of children employed in labour."

It was clear, therefore, that if these clauses were passed, and the local Boards did their duty, a system of compulsory education adapted to the condition and the wants of the agricultural classes would be applied in cases where it was needed. His hon. Friend apparently wished to make the system of compulsory education general and instantaneous. But in the rural districts of Scotland there was no compulsion, yet the parents made their children attend a sufficient time for the purposes of education, and they were better educated than any children in the same class throughout the whole country. He would rather that the compulsory principle were applied gradually, as suggested in the Bill, than generally and immediately, for he feared that in the latter case the system might break down altogether. The speech of his hon. Friend might, perhaps, have been better made upon the second reading of the Education Bill, or upon the clauses in Committee. On the part of the Government he could assure his hon. Friend that they had every desire to supply what was needed for the education of the people; and when the Bill passed Parliament and the country would be in a better condition to judge what further legislation would be necessary.

Mr. SCOURFIELD said, that a fact which had great weight with Parliament in requiring the compulsory education of children employed in factories was the injury to their health caused by their continuous employment; but this objection did not apply to agricultural employment. He was certain that any attempt to carry inspection and compulsion too far in matters of education would only shipwreck the whole system.

In answer to Colonel Corbett,

Mr. W. E. FORSTER said, it was true that the Elementary Education Bill did not interfere with districts in which, in the opinion of the inspectors who would inquire, a good sufficient, and suitable education was given, even though that education might be given in schools which were not receiving aid from the State. But the number of schools of the latter class existing in the country was not great, and his right hon. Friend (Mr. Bruce) was therefore right in assuming, for the general purposes of argument, that in those districts in which there were no assisted schools the education given was not sufficient. This, however, was a point which could not be prejudged; it must be determined by inquiry.

Original Question, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn.*

Committee *deferred* till *Monday* next.

BURIALS (*re-committed*) BILL—[Bill 123.]

(*Mr. Osborne Morgan, Mr. Hadfield, Mr. M'Arthur.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Colonel BARTTELOT said, he would beg to move that the Chairman report Progress. It was impossible to discuss fairly the provisions of so important a measure at that late hour.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Colonel Barttelot.*)

The Committee *divided:* — Ayes 47; Noes 89: Majority 42.

Clause 1 (After passing of Act notice may be given to incumbent of intention that burial shall take place in churchyard without the rites of Established Church, and either with or without any other religious service).

MR. CAWLEY moved, in line 8, to leave out "or being concerned in," and insert, "and responsible for."

Several hon. Members protested against proceeding with the clauses at that hour of the night. Mr. GOLDNEY moved that Mr. Speaker do leave the Chair. Motion *negatived:* Mr. NEWDEGATE thereon moved to report progress: but afterwards withdrew his Motion.

After some time in considering the clause,

The Committee report Progress: to sit again upon *Wednesday*, 15th June.

PUBLIC SCHOOLS.

MOTION FOR AN ADDRESS.

ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [3rd May],

"That an humble Address be presented to Her Majesty, humbly to express the desire of this House that in the exercise of the power conferred upon Her Majesty by the 9th, 10th, and 19th sections of the Act 31 and 32 Vic. c. 118, with respect to the five Statutes for determining and establishing the constitution of the new governing bodies of Shrewsbury, Winchester, Harrow, Charterhouse, and Rugby Schools, Her Majesty will be pleased to ascertain whether the said Statutes correspond with the provisions of the 17th and 19th sections of the Endowed Schools Act of 1869, and, if they do not correspond with the said sections, to disapprove of them, or of so much of them, accordingly."—(*Mr. Thomas Hughes.*)

Question again proposed.

Debate *resumed.*

MR. NEWDEGATE stated that no further proceedings ought to be taken upon this matter until full time had been afforded for the consideration by the Governing Bodies of the different schools of the important Motion which had been moved by the hon. Member for Frome (Mr. T. Hughes), and of the Amendments to it which were to be brought forward. He begged accordingly to move that the debate be now adjourned.

After short debate,

MR. W. E. FORSTER said, he thought it would not be desirable to proceed with the measure to-night, as he had not had an opportunity of considering the Amendment of the right hon. and learned Member for Southampton (Mr. Russell Gurney).

Debate *further adjourned* till *Monday* next.

VACCINATION ACT (1867) AMENDMENT BILL—[BILL 126.]

(*Mr. Candlish, Mr. Serjeant Simon.*)

SECOND READING.

Order for Second Reading read.

Moved "That the Bill be now read the second time."

MR. D. DALRYMPLE said, he had some objections to the Bill, but would not press them on the present occasion.

MR. W. E. FORSTER said, he thought the proposed alteration would tend to promote the better working of the existing law. He trusted, therefore, that the House would assent to the second reading, as any objections which might be entertained in regard to the measure could be raised in Committee.

SIR CHARLES ADDERLEY said, he thought the Bill would, if passed, bring the existing law into contempt, as it proposed to enact that after the existing law had been twice enforced it should be enforced no longer.

Motion made, and Question put, "That the Bill be now read a second time."

The House *divided:*—Ayes 18; Noes 8: Majority 10.

House adjourned at Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, 30*th May*, 1870.

MINUTES.]—PUBLIC BILLS—*First Reading*—Irish Land * (122); British Columbia * (123).
Second Reading—Tramways (107).
Committee — High Court of Justice (72-120); Sequestration * (81); Mortgage Debenture Act (1865) Amendment * (89-121).
Third Reading—Railways (Powers and Construction) * (96), and *passed.*

HIGH COURT OF JUSTICE BILL.—(No. 72.)

(*The Lord Chancellor.*)

COMMITTEE (*on Re-commitment*).

Order of the Day for the House to be put into Committee (*on Re-commitment*), read.

THE LORD CHANCELLOR said, that on a former occasion an intimation was made by his noble and learned Friend on his left (Lord Cairns), that Her Majesty's Judges were anxious that the Committee should be postponed, in order that they might have an opportunity of considering the measure and expressing an opinion upon it, He had since had the advantage of receiving their opinions, which had been printed and circulated, and which he believed had been placed in their Lordships' hands. He had a personal explanation to make on this point. He begged to disclaim all discourtesy in not having previously obtained the opinions of these learned persons. The Report on which the Bill was framed was presented as long ago as March, 1869, and the Commission which made that Report included the representatives of every portion of our judicature, as well as of both branches of the legal profession. Among its members were Sir William Erle, than whom there could not have been an abler representative not only of the Court of Common Pleas, over which he had long presided with so much distinction, but of the Judicial Committee of the Privy Council, to which tribunal he had given so much attention, with very great benefit to the suitors. The Court of Chancery was represented by his noble and learned Friend who soon afterwards became Lord Chancellor (Lord Cairns), as well as by a Lord Justice of Appeal and a Vice Chancellor. There was a Judge from each of the three Common Law Courts, which were respectively represented by Mr. Justice Blackburn, Mr. Justice Montagu Smith, and Baron Bramwell; and there were also the Judge of the Court of Probate and Divorce, and the Judge of the Court of Admiralty. The Bar was represented by the then Attorney General (Sir John Karslake), the present Attorney and Solicitor General, Sir Roundell Palmer, Mr. Quain, and other well-known members of the profession. There were also eminent solicitors on the Commission. The Report, as far as he proposed to give it effect by this Bill, was all but an unanimous one, there being but one dissentient—the Judge of the Admiralty Court, who doubted the expediency of merging his Court with the other Courts—though he understood that the learned Judge had on this point since changed his mind. That being so, and the Report having been before the profession and the public for nine months, without any substantial objections having been offered to it in any quarter, it appeared to him in the course of the winter to be his manifest duty to embody its recommendations in a Bill to be submitted to Parliament. It was accordingly announced in the Speech from the Throne that such a course would be taken. No objection was made. Now, he was quite willing to take upon himself any blame for not having consulted the Judges; but he hoped to stand excused from the imputation of intentional discourtesy. What struck him—though as it now appeared wrongly—was that, after the matter had been so long before the public and was so thoroughly understood, it was not desirable to attempt to compromise the Judges either by seeking their special sanction to the Bill, or by putting them in the disagreeable position of throwing any difficulty in its way—since even if they had objected to it he could not, under the circumstances, have withdrawn it. He, therefore, contented himself with sending a copy of it to each of the judicial body—his mistake being that he did not accompany it with a letter specially requesting their attention to it. He was very thankful that on becoming aware of their desire to express an opinion he acceded to a postponement, since he was now in possession of their views. He had, indeed, been previously informed in some degree on that head, by a pamphlet written in his usually clear, vigorous, and powerful style by the Lord Chief Justice of England, who, though complaining of his want of courtesy in not accompanying the Bill with a letter, treated him with extreme kindness and courtesy. It was satisfactory to know that both the Lord Chief Justice and the other Judges unhesitatingly approved the principle of the Bill. The Lord Chief Justice, indeed, found great fault with the Common Law Courts for not having rendered their rules and procedure sufficiently elastic to meet the necessities of the time, and urged that any distinction between Law and Equity was unnecessary in a well-constituted system of jurisprudence. He added that in 1860, in the time of Lord Chancellor Campbell, there was a strong desire to hand over to the Courts of Common Law such power and authority as would enable them to administer both systems, and that the matter was postponed at the instance of the Equity Judges, including himself. Now, if he then really did so object, all he could say was that he hoped he had become wiser. His recollection of the case, however, was that it was proposed to hand over to the Common Law Courts a certain amount of power and authority, but without any machinery for carrying into effect such matters as they would have had to deal with on the new system. They were to be authorized, for instance, to hear an equitable defence to an action; but if, on the other hand, in an action for ejectment, a person pleaded that he had bought the estate, the Court might have taken that plea into consideration; but they would have had no machinery for inquiry into the title of the estate. Several other instances might be given. Now, this Bill, provided that the Courts of Law and Equity should be fused into one High Court, possessing every power which existed in any one of them, so that there should be no want of power in administering justice in any of its divisions. He was glad to be able to cite the Lord Chief Justice's approval of this scheme—

> "I do not hesitate to say that the idea of combining the Superior Courts of Law and Equity into one great Court, and forming, as it were, a new Aula Regia, or, as I would prefer to call, a great Judicial Council of the Realm, as proposed by the Commission and embodied in the first Bill, appeared to me a project as admirable as i was daring and novel. For the distribution of judicial strength, for the distribution of judicial business, for necessary alteration in matters of procedure and practice, nothing could be more happily conceived or more likely to operate to the public advantage."

The Lord Chief Justice and the other Judges, however, while concurring in the desirability of a power of administering Law and Equity by the same tribunal, had offered some objections to the details of the Bill. They thought it essentially necessary, in order to prevent confusion in the future administration of justice, that, instead of a general enactment, such as Clause 13 of the Bill, a careful collation of the Common Law and Equity Law having being first made. and a thoroughly good digest prepared of them, express provision should be made as to what the law should be in each particular instance; or, if this course should be deemed impracticable, owing to the time it would require, that clauses should be carefully framed, expressly stating the principles determined on by Parliament for the purpose in view. Now, though he (the Lord Chancellor) by no means despaired of such a code or digest being ultimately achieved he was convinced if the fusion of Law and Equity had to wait such a work five, six, or seven years would intervene. The next proposition of the Judges was—

> "That while the Courts of Common Law should be required to administer the law as thus altered and settled in civil suits, it is wholly unnecessary, and, on the contrary, eminently undesirable, that their constitutions or peculiar jurisdictions in other matters should be in any way interfered with."

Now, he felt sure that this would involve a falling back into the very evil we desired to escape from — namely, the narrowness of jurisdiction which had been the primary cause of a suitor being driven from one Court to another till he discovered which was the proper tribunal. The question as to the titles of the Courts and Judges was so small a question that he would not stop to consider it. The fourth observation of the Judges was—

> "That, looking to the great and substantial difference which exists between the procedure of the Equity and the Common Law Courts, the more important matters of procedure ought to be considered and determined by Parliament, and should form part of the Bill."

Under this head they included trial by jury and a variety of other subjects. Now, he agreed, when he brought the Bill forward, that the rules and regulations of procedure should be well considered in passing a measure of this kind; but if these rules and regulations were to be considered through the medium of discussions in Parliament, what would be the result? The Courts of Common Law Procedure Act proceeded on this plan, and the rules it contained occupied 200 closely printed pages; but what chance would there be of the speedy passage of a Bill containing such rules and regulations not only through this House, but through the other, in which he believed there were not fewer than 100 Members belonging to the legal profession—where every one of those rules would have to be discussed, and if necessary amended. Such a course would be an idle expenditure of the proper force of Parliament. Of course, the rules would have to be prepared under proper supervision, and it was proposed that they should be framed under a Committee of the Privy Council, by persons properly qualified by practice and experience for the task. And these persons must be paid, for the work would require much time, care, and deliberation; there being the supervision of a body which would see that the rules were reasonable. A still greater objection to including the rules in one Act of Parliament was that they would not be elastic and capable of prompt modification; whereas, on the plan proposed by the Bill, they would be easily altered, such alterations being laid before Parliament. The Bill originally proposed that the rules should be framed by the Court itself; but in deference to the objection that the Judges had not the requisite time or leisure, he thought it best—and he had embodied the proposal in an Amendment—to intrust the work to a Committee of the Privy Council, to include the Lord Chancellor, as the person charged with the duty of attending to measures for the amendment of the law, and the Chancellor of the Exchequer, who alone could properly determine the expenditure proper for achieving the work. It was never his intention to refer the question to those two officers alone; but he contemplated that they should have the assistance of many legal members of the Privy Council, and should continue to have the power of making and altering rules. The Lord Chief Justice, however, had strongly objected to this proposal as unconstitutional; urging that times might change and that it might be of the utmost importance to keep the independence of the Courts wholly free from any influence of the Crown. Now, while seeing no cause for serious apprehension on this point, he proposed to get over the difficulty. The Lord Chief Justice had remarked that it would be very different if such a body were only to start rules, leaving afterwards to the Court complete power of modifying them; and this was what he now proposed. In the first instance the framing of the rules must be attended with considerable expense, and he proposed to intrust it to a Committee of the Privy Council, consisting of the Lord Chancellor, the Chancellor of the Exchequer, the Chiefs of the three Common Law Courts, the Judge of the Court of Probate, the Judge of the Court of Admiralty, and such other Members of the Council as might be thought fit. The rules, it was provided, must necessarily be framed before the Courts came into operation, and this was fixed for Michaelmas Term, 1871. When once launched the High Court would be able to add to or vary the rules, submitting such alterations to the Committee of Privy Council, and of course laying them before Parliament. Moreover, to meet the wish of the Lord Chief Justice and other Judges, that criminal business should be left as far as possible to the Court over which he so ably presided, he proposed so to amend the Bill as to keep that high and ancient officer as President of one division, and to direct as far as was consistent with the other provisions of the Bill, that criminal business should be allotted to that Court, over which the Lord Chief Justice would preside. The qualifying words were necessary on account of some matters, such as an indictment against a railway company for stopping up a road, being technically criminal, though really civil. The criminal business was easily separated from the other business of the Court. He had received numerous applications expressing a desire that the Bill should pass as speedily as possible, from mercantile bodies, from four or five large bodies of attorneys in the North, from the Metropolitan and Provincial Law Association, and from the Society for the Amendment of the Law; the resolution of this last body having been adopted at one of the largest meetings it had known, presided over by Mr. Mellish, an eminent member of the Common Law Bar. He hoped, therefore, that there would be no further delay. With regard to the Appellate Jurisdiction Bill, the Commissioners recommended that the Court of Appeal should be a branch of the High Court of Justice, one advantage of which would be that it would assist in the framing of subsequent rules and regulations. There was, however, a feeling in favour of separating the appellate and original jurisdictions and Judges, and he should be glad to know the opinion of the House on this point. The Bill could easily be moulded into either shape, and he did not purpose to proceed with the Committee on that Bill to-night.

Moved, "That the House do now resolve itself into Committee."—(*The Lord Chancellor.*)

LORD CAIRNS said, the subject was one in which he took a deep interest, and he warmly approved of the reform which it was desired to carry into effect —for he would willingly admit that the changes which his noble and learned Friend proposed were decided improvements so far as they went. Therefore he was very unwilling to do anything that might have the appearance of impeding the progress of a measure which he warmly approved. But, at the same time, he was anxious to call the noble and learned Lord's attention to the position of the Bill at the present moment, because he thought that, upon reflection, it might occur to him that there were very grave doubts as to the desirability of persevering with it during the present Session. Passing by details, on which much discussion would necessarily arise hereafter, there were two cardinal questions on which the House ought to arrive at some distinct conclusion before going into Committee. First, there was the entire absence from the Bill of all those details which were necessary in order to furnish a clear and definite idea of what the condition of our Courts of judicature would be after the changes which the Bill would bring about; for he defied anyone by merely reading the Bill to get any definite idea as to what our judicature and procedure would be after the Bill passed. His noble and learned Friend proposed to leave these to be settled by a Committee of the Privy Council—not that they were themselves to prepare the details which were necessary to clothe the Bill with life; but that other persons would have to be largely paid for doing it, and that the Committee would approve the work of those paid draftsmen. If, however, the duty must devolve on persons who could give it a great deal of time and consideration, why could not his noble and learned Friend employ such trained persons to prepare the rules in the first instance, and then embody them in a Bill, so that Parliament might know what was to be our future system of judicature? He had used the word "details," but it was in truth quite inappropriate—these were questions of principle, which went to the very root of our judicature. They included, for instance, the selection of the business to be heard before the High Court itself, and the times of the sitting thereof; and to the question, whether a particular cause should be heard before one Judge, or three, four, or five Judges. These were questions which it was proposed should be left, not to Parliament or to any rules established by Parliament, but to rules established by the Judicial Committee of the Privy Council. Then there was the distribution of the business among the several Divisional Courts; and then again the constitution of Judges, consisting of a less number of Judges than was required for a Divisional Court, and the appropriation of the business to be transacted by such Courts. Thus the Committee would determine whether a suit should be heard by a plurality of Judges or by a single Judge. But there was a still more extraordinary matter. The Committee would have to decide by a rule, having the force of an enactment, what should be the number of Judges required to concur in a judgment of the High Court, or of a Divisional or other Court, and the mode in which such judgments were to be delivered—whether as the judgment of the Court, or, if there were a difference of opinion, as the judgment of the individual Judges. The Committee would hold the Court in subjection on all these questions. They were also to regulate all matters relating to the institution and conduct of business coming within the cognizance of the Court—the pleadings, the mode of taking evidence, the mode of hearing, the costs to be allowed, the mode of taxation thereof, the parties by whom costs should be borne—in fact, all matters incidental to or connected with the administration of justice. He was aware that some of these general principles were mentioned with more precision in Amendments which his noble and learned Friend proposed to make, but the greater number were still left to the Committee for settlement. Moreover, the Court was to come into operation next November, or at such earlier time as the Queen in Council might determine. But although the rules were were to be submitted to Parliament, Parliament might not be sitting prior to their coming into operation; in which case we might have to abandon the whole of our present system of judicature, and replace it by a new system not having the authority of Parliament, resting on no authority but that of a Committee of the Privy Council. Of this Committee it was true the chiefs of the three Common Law Courts would be members; but whether they would be a majority or minority would be in the discretion of those who appointed the Committee. To take one point as a sample of the whole—it would depend on the view of this Committee and on the amount of discretion they might give to a Judge whether trial by jury should be retained or discarded. He maintained that these were cardinal objections to dealing with this subject in the manner proposed by the Bill. It was a delegation by Parliament of what was its own proper duty. Parliament ought not to refer such questions to any external authority, however respectable. Moreover, if these questions were determined in the Bill, the consent of both Houses was necessary; but it was proposed that the rules of the Committee should take effect, unless both Houses concurred in an Address to the Crown against them. One great advantage of proceeding by Bill was that everything was done publicly, and that valuable suggestions were offered by persons conversant with the subject, so that in two or three months a measure was so settled that it was likely to prove acceptable to the public; whereas the framing of rules by a Committee of the Privy Council must be done in the dark—the public and the profession would know nothing of them until they actually appeared, when criticism would be too late. His noble and learned Friend had urged that rules established by Act of Parliament were inelastic, and that there was an inconvenience in not being able to make trifling Amendments without a second Act. But his noble and learned Friend proposed to give the power of legislation in the first instance to the Committee of Privy Council, and the power of amendment or alteration of the rules not to the Committee of Council, but to the Judges of the High Court. But if the Court were to be empowered to modify the regulations of the Committee, why could not the Court be equally empowered to modify the regulations contained in an Act of Parliament—always, of course, submitting them to the cognizance of Parliament? As to the anxiety of professional men for the speedy passing of the Bill, there was an old proverb—"It is done quickly enough if it is done well enough;" and if a thing was not done well, speed was detrimental rather than beneficial. As far as he could collect public opinion, the strongest objection was felt to consigning to a dark Committee of the Privy Council the framing of a code for the judicature of the country. Even if their Lordships were to assent to the plan, he was sure that it would never become the law of Parliament. There was, moreover, another point for their Lordships' consideration. When, three years ago, the Commission commenced its sittings, there was a fair prospect of the almost immediate commencement of the new Palace of Justice, designed to bring all the Courts under one roof, and of its early completion; but he was sorry to say that those hopes had proved too sanguine, and that there was no sign of the work being even commenced. Now, how did that circumstance operate on the present Bill? Why, desirable as the concentration of all the Courts under one roof in the metropolis might be, it was physically and mechanically impossible, until we had a building in which to put them. Until the Courts were built the passing of this Bill was immaterial. Some of the Courts were in Westminster Hall, the Masters of some of those Courts sitting at Lincoln's Inn. The Rolls' Court was in Chancery Lane; the Lord Chancellor sat in the dining-hall of Lincoln's Inn, and the Vice Chancellors in buildings scattered about Lincoln's Inn, their chambers being in other places. The Court of Bankruptcy sat in Lincoln's Inn Fields, the Judge's chambers, to which they were obliged continually to resort, were in the Rolls' Garden; the Probate and Divorce Court sat in Westminster Hall, and the Admiralty Court, he believed, in the same neighbourhood. Now, if these Courts were to be fused into one, on the principle that it should form but one homogeneous Court, so that each Division should co-operate and assist the other, and one with a superfluity of time relieve another which was overburdened, how could there be any proper consolidation? how could the Judges and officers act together, until they were all brought into one building so as to have easy access to each other? Without this there would be inextricable confusion. He was glad to hear that his noble and learned Friend did not propose to proceed with the Appellate Jurisdiction Bill. It was an entire misconception of the Commissioners' Report to imagine that they desired to establish a new Appeal Court, outside the High Court of Justice, and somewhat intermediate between it and the House of Lords. Their recommendation was that the High Court should in one of its Divisions have the material for the hearing of appeals, whether those appeals were afterwards carried to the ultimate Court of Appeal or not. In no spirit of hostility to the Bills, he would press on his noble and learned Friend the expediency of resting satisfied with the second reading for this Session, of abandoning the Committee of the Privy Council, and of turning to qualified persons for assistance in order to bring before Parliament a code of procedure on his own responsibility. If he refused to take this course—this was not a question on which he could contemplate the possibility of a Division, which might have a party appearance—but if his noble and learned Friend insisted on proceeding with the Bills in their present shape he would incur a serious responsibility.

Lord WESTBURY said, that the introduction of the Bill had been hailed by him with great satisfaction; but its machinery and provisions disappointed him—as, indeed, they did everybody. Nothing could be more un-Parliamentary and insufficient than to accept the mere outline of a measure, leaving everything that was to give it life and body and action to be filled up by another authority. On his urging this objection, his noble and learned Friend on the Woolsack asked for the committal of the Bill *pro formâ*, for the purpose of introducing Amendments, but it emerged more ugly than before, and still a miserable skeleton. Nobody could make out what it was intended to do, or how its intention was to be carried out. His noble and learned Friend had appealed to the Report of the Commission, but he appeared to have misapprehended it. It comprehended, for instance, that there should be the idea of a Supreme Court, into which all the existing jurisdictions should be thrown, and from which, as from one living spring, the water should be drawn to feed all the subordinate jurisdictions. Instead of this, his noble and learned Friend proposed to constitute the High Court as a positive independent Court. They found accordingly that the High Court was a body that was to administer justice independently of all the Divisional Courts into which it was subdivided. But when they came to look into the Bill what was the High Court to do? There was nothing to show what the High Court was to do—whether it was to be simply appellate or original. If appellate, in what character? How were appeals to be presented to it? They found, indeed, some few indications that it was to have the power of rehearing some things that were not stated; but there was nothing to show in what character it was to act, how it was to proceed, of whom it was to be constituted, when it was to sit, and what relations it was to bear to other Courts. What they were told was, that the Committee of the Privy Council were to determine all those things. But he (Lord Westbury), would ask whether the House of Lords were now to approve a scheme which was unknown and unseen, and which at present was incapable of being defined? Then, in what relation was the High Court of Justice to stand towards the new appellate tribunal? If it was to be in itself an appellate tribunal, and to gather up all the appeals and all the rehearings from the subordinate Divisional Courts, was it itself to be again subordinate to the High Court of Appeal, which was the subject of the second Bill? and if it was subordinate to that, was it also to be subordinate to the House of Lords? Did his noble and learned Friend wish the House to sanction such a scheme—to go from the Divisional Court to the High Court, from the High Court to the New Court of Appeal, and from the New Court of Appeal to the old jurisdiction of their Lordships' House? All that was left mere matter of uncertainty. He would ask was it right—was it fit—that a measure should be passed in that form, so far as legislation was concerned? Then, again, when they came to the recreating—to the great number of original tribunals which were to administer the new scheme of justice—it was right that they should know who was to distribute the business among those tribunals.

Was this distribution to be left to the will of the suitors? At present this was determined by the distinctions which existed in the law; but when there was no distinction between the law administered by one set of tribunals and that administered by another, who was to have the power of distributing and assigning the different descriptions of business? With all respect and deference to his noble and learned Friend, he would entreat him to take warning by what he himself had done—by the changes which he himself had found it necessary to make so repeatedly in his own scheme within a short period. He very much doubted whether the public quite understood the immense alterations which would be introduced into the present law by this scheme. They were to take all the waters derived from the streams of Common Law and Equity and blend them together, declaring that henceforth there should be but one stream of justice to be administered for different founts: the Court of Queen's Bench, the Court of Common Pleas, the Court of Exchequer, and the Court of Chancery were to be pulled down to make room for this new tribunal, which was to administer a code of justice which was yet to be framed by a body out of Parliament. The old Courts ought not to be parted with until it was known what was to be substituted for them. No man would be so unwise as to part with his garment, which had hitherto kept him warm, without first of all ascertaining what he was to wear instead. When the objects of the new Courts had been settled, and when they knew what it was that was to be substituted for the present system, they would embrace with the greatest delight the change proposed by his noble and learned Friend—a change of which it was impossible to speak in words of too high commendation — throwing down, as it did, the difference that now existed between our systems of Law and Equity, and doing away with the antagonism that now prevailed. While congratulating his noble and learned Friend on what he had done, on the courage and resolution he had exhibited in bringing forward that great reform, he would beg him to pause for a little while, until he could show what form and body the new institutions were to take. Nor in doing that need there be any delay. His noble and learned Friend proposed, after this imperfect sketch, to address himself to the duty of filling up the sketch, and of doing that which, as he (Lord Westbury) contended, ought to be done before their Lordships were asked to go into Committee. Why should not all these matters be settled in the Bill itself? The Bill was not to come into operation till the 1st of November, 1871, and therefore there was no great object to be gained by pressing it forward at the present moment. What was proposed to be done out-of-doors would be done in the interval, but it would be done behind their Lordships' backs. Where was the necessity for it? Was not the time abundant? His noble and learned Friend had encountered no opposition, beyond the representations of those who urged that he was pressing it on in a manner that must of necessity defeat itself. What was asked of his noble and learned Friend was, that he should allow the Bill to stand where it was, that he should take advantage of the interval to fill up the hiatus—to fill up the gaps which existed—and so to afford the House an opportunity of judging what was to be the nature and form of the new institutions. The Report of the Commission, which his noble and learned Friend desired to follow, recommended not only that there should be a consolidation of the Courts into an uniform body, but they went on to recommend the establishment of uniformity of procedure and jurisdiction. And if they had uniformity of the law and uniformity of the tribunals they must still further carry out that uniformity by having uniformity of procedure—a change that was by no means a trifling one. At present the system of pleading at Law and Equity differed *toto cœlo*. At Law a definite issue was raised, while in Equity the pleadings on the plaintiff's side consisted of a condensed statement of the facts on which he relied, and on the defendant's side of a condensed statement of the facts on which he relied; but there was no necessity on the part either of plaintiff or defendant to set forth any proposition of law on which the case would depend. Now, when these uniform Courts had been established, what was to be done in the way of establishing a uniform system of pleading and procedure? Would his noble and learned Friend be good enough to lay down a definite proposition upon that point? What he might call the last edition of the Bill, the Amendments which his noble and learned Friend had laid upon the Table on their last night of meeting, went a certain length in recognition of this obligation to establish an uniform procedure. His noble and learned Friend had already given up some of the points to which objection was made—if he could go so far, why should he not go to the fullest extent of what was asked? It was idle to say that rules of practice extending to 200 folios would be needed; nothing of the kind was necessary. The principles which were wanted were those which would regulate pleadings, regulate procedure, regulate the mode of trial and the mode of taking evidence; and once these principles were settled they would go far towards the establishment of a tribunal armed at all points. But under the Bill all these matters were left to be determined by an extrinsic tribunal. Why did his noble and learned Friend desire to withdraw those matters from the knowledge of Parliament; why did he cut off from himself the assistance he would receive; why did he voluntarily incur all the obloquy, the difficulty, and labour attendant on the performance, elsewhere, of a work which ought to be done under the sanction and with the knowledge and approbation of Parliament? He entreated his noble and learned Friend to take into his consideration these suggestions, which were offered in the kindest spirit and with the most earnest desire to help him, and to see whether it was not possible for him to allow the Bill to stand over for this Session, and re-produce it next year with the necessary alterations. If that course were adopted he (Lord Westbury), for one, promised that he would then co-operate most anxiously and most industriously in the task of carrying such a Bill next Session as would carry with it the approbation of all his noble and learned Friends. But if his noble and learned Friend, with courage and pertinacity rather than with sound discretion, insisted on proceeding with the Bill this year, then, with the greatest respect for his noble and learned Friend, and feeling sure that he would not for a moment impute to him any unworthy motive, he must decline to incur any further responsibility by making any attempt to improve the Bill in Committee. That, perhaps, might not be felt as any very great loss, but it was a course which he should feel it his duty to adopt. He never could be a party to a course so unconstitutional as that of sacrificing the independence of the judicial tribunals by sanctioning this unheard-of plan, according to which the conduct and procedure of these tribunals was to be regulated and controlled by the decrees of the Privy Council. From the very beginning it had been the object of our Constitution to make the Judges independent of the Crown, and it ought not less to be the object of Parliament, in the present day, to preserve the perfect independence of the legal tribunals, and their efficiency for the discharge of the duties committed to them. He had given Notice of several Amendments to the Bill; but they were all of a milk-and-water character, as compared with the necessity of correcting the defects of the Bill in the points to which attention had now been called. He hoped his noble and learned Friend would yield to the advice which had been given him upon the other side of the House; and, resting satisfied for the present with the honours which he had so justly won, would allow the Bill to stand over till he could produce it next Session with the necessary Amendments, when it would, no doubt, meet with the acknowledgment it so justly deserved.

Lord PENZANCE said, he hardly knew whether to congratulate or condole his noble and learned Friend upon the Woolsack, who had been the object of abundant compliment, but, at the same time, had been the recipient, from two different quarters, of advice totally opposite in character, though directed to the same end—the postponement of the Bill. His noble and learned Friend who had just sat down (Lord Westbury) felt so strongly the unconstitutional tendency of the Bill that he considered it to be past mending, and declined to take any part in its discussion in Committee. He was sure no one would regret that determination more than his noble and learned Friend on the Woolsack, for the noble and learned Lord (Lord Westbury) had placed upon the Bill Notice of Amendments apparently of the best possible character, and well deserving the consideration of the House. But if his noble and learned Friend now thought the Bill so utterly bad that he would take no further part in it, he was fairly entitled to ask him how many days ago he had come to that conclusion—for it was only three or four days ago that Notice was given of those very Amendments which his noble and learned Friend proposed, but now declined, to introduce? The advice given to his noble and learned Friend upon the Woolsack was, that he should wait until next year, and have what were commonly called rules of procedure, framed and elaborated in the meantime, and introduced into the Bill. If that were done, he (Lord Penzance) quite agreed that, as far as time was concerned, the delay suggested would not make any practical difference in the period at which the operation of the Bill was to commence. But there were many grave objections to such a course. The main objection was that it was an idle form to say—"Frame your rules"—a number of elaborate rules—"to guide the working of the Law Courts of this country, and then lay them before Parliament and obtain its sanction." It was beyond the competence of Assemblies like the two Houses of Parliament fitly and adequately to deal with details of that character; and, therefore, it was hardly fair to place upon Parliament the responsibility of giving a sanction to rules and regulations which, by their very character, were unfitted for their decision. If, however, the matter stood, there might not be any great delay involved in the postponement which was suggested. But his noble and learned Friend opposite, who made some very pertinent remarks on the subject of this Bill, announced that the measure could not possibly be carried out until the new Courts of Justice were built. In reality, therefore, his noble and learned Friend on the Woolsack was asked to wait till what were commonly called the Greek Kalends. The noble and learned Lord opposite had stated that the first stone of the New Courts of Justice had not yet been laid. He (Lord Penzance) did not know with what rate of speed the architect might proceed when he had once begun with the building; but, according to the ordinary rate of progress in such matters, about 10 years must elapse from the time the first stone was laid until the building was completed. If, in addition to this interval, his noble and learned Friend on the Woolsack were asked to delay this Bill for a year, in order to introduce Amendments, it was evident that the period of legislation would be indefinitely postponed. Substantially, the points which were raised in this discussion resolved themselves into this question—Who were to frame the regulations for the procedure and distribution of business in the great Court—the general design and structure of which was approved by all his noble and learned Friends? Now, he must admit that the arrangement, as it stood in the Bill, was somewhat imperfect. When the Bill was brought in originally, his noble and learned Friend upon the Woolsack proposed that the task of framing these rules should be left to the Judicial Body, and that the Judges themselves should elaborate and frame their own procedure. That, no doubt, was a task of some difficulty; but the materials for such a compilation existed in the set of rules by which the business in each Court was regulated at the present moment. It was said, however, that the Judges had no time for this purpose; and his noble and learned Friend upon the Woolsack altered his system, and proposed that the rules should be framed by the Committee of the Privy Council. For his own part, he certainly agreed with what had been said by some of his noble and learned Friends; he entertained a strong objection to the framing of rules which should govern the procedure of the Judges by any body external to the Judges themselves. In the first place, this would be a direct reflection upon the independence of the Judicial Body. Looking to the past history of our judicial tribunals, their Lordships were well aware that the independence of the Judicial Body had always been jealously secured by Parliament; and anything that would tend to place them directly or indirectly under the control of the Executive would be a severe constitutional blow to the liberties which those tribunals enjoyed, and which they held in trust for the people of this kingdom. But his noble and learned Friend had on the Paper an Amendment which in a great measure would meet that objection. The new Court was not to come into operation until the commencement of Michaelmas Term of 1871, and what he now proposed was to remit to the Committee of Privy Council, consisting in a great part of Judges, to frame the rules with which the Court might start, and when the Court was constituted and became possessed of its functions, they would have the power of altering or regulating these rules as they might think fit. He must, however, say he hoped, if the Bill went into Committee, his noble and learned Friend would be content to surrender that amendment, and leave it to the Judges to settle their own rules of procedure in the way that appeared to them best calculated to promote the ends of justice. It was of incalculable advantage that those who had to administer justice should have the power of dealing with all the details under the forms of which justice would be administered. If a difficulty arose on the form of a rule which constituted part of a Schedule in an Act of Parliament, it straightway led to discussion and judicial decisions which swelled the body of law and became anything but a practical good; and, therefore, it was of the highest value that every Court should have power from time to time to make the procedure meet the growing necessities of the case. But what was suggested by his noble and learned Friend opposite (Lord Cairns) as a substitute for the composition of these rules by the Judicial Body? He suggested that in the Act of Parliament there should be a Schedule containing the complete legal code of procedure, and that being passed by the Legislature and embodied in an Act the Judges should have power to alter what Parliament had done. He put it to their Lordships to say whether that would be a constitutional mode of proceeding. His noble and learned Friend proposed that these rules should be framed and put into the Bill, in all their complexity and detail — that the Bill should be passed through Parliament, and that, having got the sanction of Parliament to the Schedule, the Judges should be at liberty to alter as they please. That he thought a most mischievous suggestion. If they left it to Parliament, they must allow Parliament to be dominant in the matter — to settle it once for all; if amendment were needed, they must come to Parliament for it—to set right what Parliament had set wrong. But what his noble and learned Friend proposed was, that when Parliament had, with all gravity and dignity, elaborated a system of rules, the Judges should have power to set them aside. His noble and learned Friend asked if the House were aware that the Committee of Privy Council would have the Power under this Bill of saying what causes should be tried by a jury and what should not—were they aware that so sacred a thing as trial by jury was now at issue, and was to be left for determination to the Committee of Privy Council? Why, the Judicature Commissioners, of whom his noble and learned Friend was Chairman, recommended distinctly that the Judges from time to time—not as a body but as individual Judges, sitting in Chambers—should have the power to say whether this or that cause should be tried by a jury, or in some other way. He (Lord Penzance) thought that this was one of the most valuable suggestions of the Commission; for it was the misfortune of the Common Law system that many cases were sent before a jury which juries were incompetent to try: it was, therefore, a very valuable suggestion that the Judge, on becoming acquainted with the case, should have power to say whether it should be tried by a jury or in some other way. Accordingly, the Commissioners reported that skilled arbitrators should be attached to the Court, persons skilled in particular branches of trade, in order that when questions of that kind arose, reference might at once be made to them. Yet his noble and learned Friend having been one of the first to make the suggestion, now turned round and said it was quite unconstitutional that the Committee of Privy Council should have power to decide on this question. He quite admitted that the fusion of the jurisdictions into one was a most difficult thing, and would be accomplished only gradually. The objection was to its inception; but, as soon as the Court was established, they should leave it to the Judges to work it, and he believed it would be found to work with perfect smoothness and facility. It would certainly be a great misfortune if the noble and learned Lord on the Woolsack were persuaded by the opinions which had been expressed, and the shallow compliments which had been paid to him on all sides, to postpone proceeding with his Bill till next Session.

THE DUKE OF RICHMOND said, he had no intention to touch at all on any of the legal points which had been introduced into this discussion; but after listening to the speech of his noble and learned Friend behind him (Lord Cairns), and the speech of the noble and learned Lord opposite (Lord Westbury), both condemning the proceeding with this measure at the present time, he confessed they had fully convinced him that the noble and learned Lord on the Woolsack would be unwise if he attempted to press it forward during this Session. He had thought the noble and learned Lord who last addressed their Lordships might, perhaps, with his great legal knowledge, adduce some legal arguments which would induce him to alter the opinion he had formed; but, instead of convincing him that either of the two noble and learned Lords who preceded him was wrong, he had only strengthened the opinion he already entertained; because on one of the most material points adverted to—namely, the proposal that the Privy Council should form the rules of procedure—he understood the noble and learned Lord to state that he considered that part of the measure very imperfect, and he would leave it to the Judicial Body to regulate them. [Lord PENZANCE: After they had been established.] Yes; but this showed how imperfect the measure was in its details. He must say he thought this was a subject which both Houses of Parliament were perfectly competent to deal with. One of the features of the Bill was, that the Committee of the Privy Council was invested with the power of regulating the whole legal proceedings of the country, and they might abolish trial by jury if they thought fit. He must also observe that the instances brought forward by the noble and learned Lord (Lord Penzance) in which the Judges, according to the recommendations in the Report, might, in certain cases, dispense with a jury did not go on all fours with those in the 8th sub-section of this Bill, which gave power to the Privy Council to abolish trial by jury altogether. That might be a very useful power; but the proposal was now made for the first time to give it to the Privy Council, and certainly, in his opinion, it was a matter which ought to be dealt with by both Houses of Parliament. Entertaining these views, he thought it would be unwise to proceed further with this measure at present; and if, after what had been stated, the noble and learned Lord on the Woolsack persevered with it, if the Bill did reach Committee, he should hope his noble and learned Friend behind (Lord Cairns) would at some future stage take the sense of their Lordships in regard to it.

EARL GRANVILLE must say he felt, as most of their Lordships probably would feel, how very unsatisfactory it was, from a want of legal learning, that he was not able to take part in a discussion, the subject of which was to do away with some of the greatest deformities in the existing systems of judicial procedure. But this consideration had some bearing on the question which had been raised by the noble and learned Lords present. He quite admitted that it seemed rather flattering that noble and learned Lords should get up and insist that these very important details should be settled by Parliament. But, first of all, he wished to know whether—only a fragmentary portion being settled by Parliament—the bulk of the legal regulations had not been settled by the Judges? He must further ask if these subjects came now to be discussed in Parliament what would happen? Why, that not one of the lay Members of the House would venture to go into these intricate matters. All would be left, as that evening they had been left, to a discussion between four or five noble and learned Lords—of whom he must say, however it came about, so long as he had been a Member of their Lordships' House, some how or other, whenever a legal reform was proposed by one of them, the majority set to work to pull it to pieces. This might be interesting from the ingenuity and forensic skill displayed, but was not encouraging to lay Peers, and he objected to being one of a dumb audience. His noble and learned Friend had brought forward a very important Bill, and he trusted he would persevere with it.

THE MARQUESS OF SALISBURY said, that one of the most important points in the consideration of this Bill was the condition of opinion that prevailed respecting it among noble and learned Lords. It was impossible that each Member of their Lordships' House could form an independent judgment as to the merits of the details of great legal changes, and their Lordships, therefore, naturally looked to the legal Members of the House for advice and guidance. Now, what did they find? They found that all the Judges, and both the Lord Chancellors who had spoken—and he believed those who had not—were opposed to this Bill; and that the noble and learned Lord opposite, whose authority was so great, and who had been brought hither to bless the Bill, had ended by cursing it altogether, and he had moreover suggested such changes in the Bill as would justify any noble Lord in voting against the second reading. Therefore, with the exception of the modified support of the noble and learned Lord opposite, no legal voice, except that of the Lord Chancellor, had been raised in favour of this enormous constitutional change. Upon that ground alone he should regard the proposal with much hesitation. But considered in itself, there were equal grounds for mistrust. The 8th sub-section of Clause 16 remitted to the Privy Council—

> "The regulation of all matters relative to the institution and conduct of business coming within the cognizance of the Court, or of the Judges thereof on circuit, or at *Nisi Prius* sittings in London or at Westminster, the pleadings, the mode of taking evidence, the mode of hearing, the costs to be allowed, the mode of taxation thereof, and the parties by whom costs should be borne, and all matters incidental to or connected with the administration of justice, the composition and publication of reports of cases decided in the High Court of Justice, or in any Divisional or other Court of such High Court."

When he read these words he thought their range so comprehensive that he asked his noble and learned Friend near him (Lord Cairns) whether, under the authority thus proposed to be conferred, it would not be possible to set up the Star Chamber; and he was unable to answer that it was not possible. It was true that, in order to disarm opposition in some degree, the noble and learned Lord had named the five hon. Gentlemen who, as Members of the Privy Council, would be concerned in drawing up the rules; but it must be remembered that their labours would not commence till 1871, and there was no security that the present holders of the offices in question would be in actual possession of them next year, when these tremendous and unconstitutional powers came to be exercised. He had on more than one occasion expressed his opinion that Parliament was becoming much too fond of the easy process of delegating to other persons the execution of the business which constitutionally belonged to itself. No doubt, the temptation was very great; but, if it was yielded to, the result would be that Parliament—and especially that House — would be deprived of a great portion of its powers; and it was just at such a period as this, when Parliament was so much in the hands of the Executive Government, that they should be most jealous of instituting precedents that might in future be used for the purpose of giving to the Executive Government great and unconstitutional preponderance. He felt that the House had not yet had this question fairly before it. It touched not only questions of law, but the powers of government and the constitution of the country. If the noble and learned Lord on the Woolsack insisted in now going into Committee, in spite of the opinions expressed in favour of delay, it must be on the full understanding that all the questions that had been touched upon in debate might be raised again at a subsequent stage.

Lord ROMILLY said, that this was in no sense a party question, and ought not to be discussed with any reference to the different Benches on which noble Lords sat. He was obliged, for his own part, to concur with those who had asked his noble and learned Friend on the Woolsack not to proceed further with the Bill this Session. He had studied it with the most anxious care—he had even attempted to frame rules such as might be necessary under it; but he had not been able to satisfy himself, either as to what the nature of those rules should be, or to what extent they should go: nor did he believe that any one would be able satisfactorily to frame rules, unless the principles on which they were to proceed were first laid down. He was far from coinciding in the opinion that the lay Members of their Lordships' House were unable advantageously to take part in discussions on legal details. On the contrary, it had always been his belief that one of our great evils was that we were too much in the habit of leaving all legal matters to lawyers; whereas, if they took them in hand themselves, they might reduce them to the rules of common sense, and get rid of unnecessary technicalities.

Some practical difficulties had presented themselves to his mind as likely to occur under the Bill. He would give an example. Soon after he entered the profession, a person desired to recover an amount due to him. It was doubtful whether it was a legal or an equitable claim, and he was advised to proceed on the Equity side of the Court of Exchequer, and also to bring an action on the Common Law side. The defendant, however, insisted that he must choose one or other of the two courses, but not both. Ultimately, he was advised that it was an Equity case, and he proceeded by a bill in Equity. After about three years the case was heard, when the Barons of the Exchequer decided that it was a legal debt, and the Bill was dismissed with costs. The claimant then brought an action at Common Law; but, unfortunately, owing to the delay that had elapsed, the Statute of Limitations could be pleaded, and he was non-suited. He argued that the delay was not his own fault, because those Judges had not told him originally how to proceed; but they replied that it was not part of their business to do that. He (Lord Romilly) desired to know how it was proposed to deal with a case of that kind, and whether it was intended to put an end to the distinction between legal and equitable debts; or to state the limitations, which would apply equally to both? He had, therefore, felt the greatest perplexity as to the manner in which the rules and orders should be drawn up. He thought that no time would be lost in postponing the measure to another year, as the interval might be occupied in preparing the necessary provisions. The fusion of Law and Equity had been a favourite object with all law reformers. Everybody admitted its advantages. He must be permitted to say that the observation that all lawyers attacked any measure of law reform not introduced by themselves did not apply to him, for he had always been ready to assist in the work of law reform; but his apprehension was that the measure of his noble and learned Friend would fail; and, if it did, the result would be the postponement for an indefinite number of years of the fusion of Law and Equity, which would be much better advanced by a measure more precise in its enactments, such as would put an end to equitable presumptions found to be so interminable. He would give no opposition to the Bill, but, on the contrary, would do all he could to amend it; though, in its present state, he did not think it likely to lead to a satisfactory result.

THE LORD CHANCELLOR said, that the discussion which had arisen did not offer much encouragement to the course of procedure, which had lately been recommended, of commencing Bills of law reform in the House of Lords. Last year he had been wiser, and had resisted the pressure brought to bear upon him to induce him to bring the Bankruptcy Bill in their Lordships' House. Now, what was the head and front of his offending in the present instance? The principal grievance alleged against the present Bill was that the rules and regulations which would be necessary under the measure were not included in the Bill itself — that was the head and front of his offending. He was a little alarmed when the noble Marquess (the Marquess of Salisbury) intimated that they were rushing into an enormous constitutional change without due deliberation. He admitted that one-half of the Bill, fusing all the Courts into one, was a great change, and that it might be called a constitutional change. No doubt the Bill proposed a great constitutional change; but it was one that had been approved by almost every one specially qualified to express an opinion upon it. He should be ashamed if, from any petty vanity of his own, he were to press forward that change from the mere wish to see it carried while he was Lord Chancellor; but he confessed he did hope to see it accomplished before he died; and his heart sank within him when he heard the suggestion of the noble and learned Lord (Lord Cairns) that the Bill should be postponed until the new Law Courts were erected—a suggestion which almost made him doubt the earnestness, for this reform, of the noble and learned Lord who made it. In regard to the opposition that had been raised because he had not included the rules and regulations in the Bill—he had already pointed out that a code of procedure for the Common Law Courts would occupy 200 closely printed pages—he might now mention that the code of civil procedure of the United States occupied a large quarto volume, and there were in addition three volumes of decisions as to whether cases came within the code or not. He must also repeat what he had said last year in debate—last year the Bankruptcy Bill came up from "another place," giving ample powers to the Judge to make the rules and regulations under the direction of the Lord Chancellor. With assistance he supervised the framing the rules and regulations, which occupied 100 pages—it was very easily accomplished within two or three months after the Bill had passed; they were now in full operation, and were working satisfactorily. The result of thus adopting the principle of separating the framing of the code of procedure from the clauses of the Bills was that the Bills were reduced from 500 to 170 clauses. In the present instance codes of procedure were required for the Court of Chancery, the Common Law Courts, the Court of Probate, and the Court of Admiralty, and it was idle to think of discussing them in Parliament. The great principle of the Bill was the reconstitution of the Courts, and the investing them with such power and authority that each might be full and complete in its parts; and the forms of procedure by which the principle was to be worked out it was proposed to hand over to others. He did not object to define more precisely the guiding grooves for those who were to make the rules; but he could not undertake the responsibility of introducing into the Bill 400 or 500 clauses embodying these regulations. He was sure that he should be himself incompetent to the task, nor would he undertake the responsibility of inviting the House to undertake it unless he were obliged to do so by the decision of their Lordships. He denied that the spirit and essence of the Bill had undergone any change. He must confess his surprise that the noble and learned Lord (Lord Westbury) should now object to referring the framing of the rules to the Privy Council, and should express his preference for the Judges, seeing that the noble and learned Lord, when it was first proposed to confide the duty to the latter, declared that if it was left to them it would never be done. He thought no serious fault could be found with his present proposition. What he now proposed was, that the Privy Council should frame the code, and that it should be left to the Judges to modify it, and he was happy in having on his side Lord Chief Justice Cockburn, who said—

> "Our procedure will be at the mercy of a small conclave under the control of the Chancellor; the course of our judicial business will be at the discretion of the Government, who may transfer questions of constitutional right in which they may be interested from one Divisional Court to another, or transfer Judges from one Court to another, as they may deem it expedient. For it is to be observed—and this makes all the difference—that it is not merely for making a new code of procedure at the first starting of the Court that this extraordinary power is conferred. It is to continue permanently, and may be exercised at any time, either for general or temporary purposes. It will be said, indeed, that rules so made are to be laid before Parliament. But this is but poor protection if a Government has the good fortune to have a commanding majority at its call. Moreover, in the interval, the rules will have had the effect of law."

In reply to the assertion that all legal opinion was against him, he averred that an enormous mass of legal opinion was with him, and the solicitors of the country supported him, and that he had not met with one adverse criticism in a single legal publication of authority. It was admitted by all that a great reform was essentially necessary, and the question was, whether it was to be effected now or postponed indefinitely. He believed that if their Lordships should come to the conclusion that the rules must be embodied in the Bill, the first thing they would do with the Bill would be to strike the rules out, and to say it must not be encumbered with them; and as he believed their Lordships desired to see such a Bill carried long before the building of the Courts, he trusted they would consent to go into Committee on the Bill.

Lord CAIRNS said, that the noble Earl opposite (Earl Granville) had not thought it unworthy of his own position, or of his office as Leader in that House, to throw a sneer—a somewhat common and not very amusing sneer, and one which many people might think not very well founded—against the legal Members of the House, whose assistance, at the same time, he expressed himself very anxious to have. The noble Earl said that, in his experience of the House, whenever a legal measure had been introduced by the occupant of the Woolsack, it was always pulled to pieces by all the noble and learned Lords in the House. He (Lord Cairns) could not allow that statement to pass unchallenged. When he had himself the honour of a seat on the Woolsack, he must say he had invariably received the most frank and kind assistance from all the noble and learned Lords on any legal measures that he had felt it to be his duty to propose. He did not desire to say anything as to any assistance that he might himself have been able to render in the passage of legal measures through that House. He was satisfied to leave his character on that subject in the hands of their Lordships, for he was sure that it would not be affected by what the noble Earl had thought fit to say. But he desired the noble Earl to consider that, on this particular question, the noble and learned Lord on the Woolsack occupied a rather peculiar position. Both he and his noble and learned Friend sat on the Royal Commission which had considered this question, and they had both attached their signatures to the Report. As regarded the character of the edifice it was proposed to rear, he was quite at issue with his noble and learned Friend. He spoke from no feeling of mortification on the subject; but he would illustrate his position by saying, that when two persons were co-operating in the construction of a house, they might, if they agreed upon the general mode in which it was to be built, render valuable co-operation to each other. But if one of these persons thought the house should be made of boards and tiles, without windows, doors, or partitions, and if the other was of opinion that it should be made of bricks and mortar, he thought it was utterly impossible that the latter could give any useful assistance or co-operation. That was his position with regard to the Bill. His views on this subject differed so completely from those of his noble and learned Friend on the Woolsack, that he (Lord Cairns) felt it would be useless for him to direct his opposition to the Bill clause by clause, and line by line. He felt, therefore, that he had no course left open to him but that indicated by his noble and learned Friend opposite (Lord Westbury). He (Lord Cairns) should therefore reserve to himself the opportunity of taking the sense of their Lordships' House upon the measure at a future stage of the Bill, and it would then be for their Lordships to decide whether opportunity might not be given for introducing some more satisfactory Bill to the attention of their Lordships.

Motion *agreed to;* House in Committee accordingly; Amendments made: The Report thereof to be received on *Monday*, the 13*th of June* next; and Bill to be *printed*, as amended. (No. 120.)

TRAMWAYS BILL—(No. 107.)
(*The Lord Privy Seal.*)
SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF KIMBERLEY, in moving that the Bill be now read the second time, said, that the Government, in fulfilment of a pledge given by them early in the Session, had introduced a Bill in the other House to regulate the terms on which permission should be given for the laying down of tramways; the Bill had been referred to a Select Committee, and the result of their deliberations was embodied in the measure now lying on their Lordships' Table. The Bill was one of considerable detail; but the House no doubt would feel it to be desirable that if, as seemed likely, these tramways were to be extensively constructed in England, they should be governed by some general system, and not armed with powers which were often granted very much at hap-hazard, notwithstanding the great care and attention bestowed by Committees upon the applications which came before them. The Bill consisted of three parts. Of these, the first related to Provisional Orders authorizing the construction of tramways; the second, to the mode of constructing tramways; and the third embodied general provisions regarding carriages, the licensing or purchasing of tramways, power to make by-laws, &c. These Provisional Orders might be applied for either by the local authority of any district, or by any person or corporation with the consent of the local authority. These Provisional Orders were to be dealt with very much in the same manner as those relating to railways, piers, and harbours. When sanctioned by the Board of Trade, they would be brought before Parliament in a Bill, and those who objected to the scheme would therefore have the opportunity of stating their objections before Committees of both Houses. The most important clauses were those which related to the consent and proceedings of local authorities. It was provided, in the first place, that local authorities might themselves apply for a Provisional Order to authorize the construction of a tramway. It was not intended under the Bill that the local authorities should work the tramways; but they might get authority to construct tramways and then lease them to a company, or they might leave the public the use of the tramways, receiving tolls for the user; but they were not themselves to run carriages and take fares or tolls. If the local authority did not apply for a Provisional Order, any person or company might come forward and obtain it, subject to a power of compulsory purchase by the local authority at the end of 21 years, on the basis of the actual value of the line. As to the provisions for construction of the lines he would not enter into detail. The other provisions of the Bill related to various safeguards which were proposed as to the making of the way, the use of roads by the tramway company, and the repair of roads on both sides of the tramway, interference with gas or water-pipes, &c. The manner in which the tramways were proposed to be laid would entirely obviate the objections urged to Mr. Train's plan. It was exceedingly probable that these tramways would be very extensively used; and, if constructed under proper limitations, he believed they would be a great advantage to the public. They would relieve the general traffic and, at the same time, being under the control of the local authorities, would be of great public advantage. In Committee he should be glad to avail himself of any amendment that might be suggested.

Moved, "That the Bill be now read 2^{a}."—(*The Lord Privy Seal.*)

THE MARQUESS OF SALISBURY hoped the Bill would be referred to a Select Committee.

LORD REDESDALE was very glad that a general Bill upon this subject had been introduced, following the suggestion he made at the commencement of the Session. The Bill, no doubt, had been prepared with care, and it had gone through a Select Committee of the other House. At the same time, he must say it had gone through that Select Committee rather hastily; and, certainly, it was rather imperfect in its details at present. The noble Earl had stated that the proceedings before the Board of Trade would be similar to those taken in the case of railways, piers, and harbours. But in the case of railways the consent was required of all parties whose land was taken; but in the case of tramways all that was required was the consent of the local authority. There certainly ought to be some approval on the part of the occupiers of the houses in the streets through which the tramways passed; it should be provided that they should be laid along the centre of the street, otherwise it would affect the property more on one side than the other—generally, there ought to be more provision for the approval of persons interested than that of the local authority before tramways were authorized, the more so as the local authority of many towns might be governed by persons having a personal interest in their construction. There was no provision for the incorporation of the tramway company under the Companies Clauses Act. No concession, he thought, should be made for more than 50 years; a tramway consisted of nothing more than the cost of laying the rails; and as that original outlay must have been amply recouped by a user of 50 years, he thought that at the expiration of that time the tramways should lapse to the local authority. The Bill gave the option to the local authority to purchase the concern at the end of 21 years; but Clause 39 was rather ambiguous. He thought it desirable that the Bill should be sent to a Select Committee.

THE EARL OF KIMBERLEY had no objection to refer the Bill to a Select Committee, as it was almost impossible to discuss it clause by clause in the House.

Motion *agreed to;* Bill read 2^{a} accordingly, and *referred* to a Select Committee.

And, on June 13, the Lords following were named of the Committee:—

Ld. Privy Seal.
D. Cleveland.
M. Salisbury.
E. Kellie.
E. Airlie.
E. Graham.
E. Cadogan.
E. Morley.
V. Eversley.
Ld. Steward.
L. Saltoun.
L. Redesdale.
L. Silchester.
L. Belper.
L. Lyveden.

BRITISH COLUMBIA BILL [H.L.]

A Bill to make Provision for the Government of British Columbia—Was *presented* by The Earl GRANVILLE; read 1ª. (No. 123.)

House adjourned at Nine o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 30th May, 1870.

MINUTES.]—SELECT COMMITTEE—Pawnbrokers, Mr. Crum Ewing and Mr. Orr Ewing *added.*

SUPPLY — *considered in Committee*—NAVY ESTIMATES.

PUBLIC BILLS—*Resolution in Committee—Ordered — First Reading*—Pier and Harbour Orders Confirmation (No. 2) * [154].

Ordered—First Reading—Registration of Voters* [149]; Saint Olave, &c. Charities* [152]; Jewish United Synagogues* [151]; Factories and Workshops * [150].

First Reading — Local Government Supplemental * [153]; Horse Racing* [155].

Second Reading—Customs and Inland Revenue [133]; Stamp Duties [135]; Gun Licences [134]; General Police and Improvement (Scotland) Supplemental * [147].

Report of Select Committee—Thames Navigation * [No. 261].

Committee—Report—Sale of Poisons (Ireland)* [140]; Metropolitan Board of Works (Loans)* [132]; Turnpike Trusts Arrangements *[129].

Report—Public Prosecutors * [45-148].

Third Reading — Irish Land [145]; Married Women's Property * [16], and *passed.*

PALACE OF WESTMINSTER—PLANS OF OF THE FLUES, &c.—QUESTION.

CAPTAIN DAWSON-DAMER said, he wished to ask the First Commissioner of Works, If it is true that, in consequence of the want of plans of the flues, &c. of the Houses of Parliament, the persons in charge of the arrangements for the prevention of fire in the building do not hold themselves responsible for its safety; and, if so, whether he does not consider it requisite, in order to prevent the possibility of a recurrence of a disaster, to provide some plan to insure the preservation of the building?

MR. AYRTON in reply, said, it was undoubtedly true that the officers of the Board of Works were not in possession of the plans of the flues throughout that large building. No doubt that was a source of considerable inconvenience, though he could not go the length of saying that the persons in charge would not hold themselves responsible for its safety in case of the occurrence of fire in the building. The hon. Member must be aware that steps were being taken to get possession of the plans, and he trusted that, in some way or other, the officers of the Board of Works would obtain possession of the plans, so that the matter might be brought to a satisfactory conclusion.

METROPOLIS—LEICESTER SQUARE: QUESTION.

CAPTAIN DAWSON-DAMER said, he wished to ask the First Commissioner of Works, If it is true that the continued state of Leicester Square arises from a disputed ownership; and, if so, whether some steps could not be taken to ascertain who is liable for the present condition of that Square?

MR. AYRTON said, in reply, that some years ago an Act was passed by which local authorities in the metropolis were entitled to take possession of any vacant space of which there did not appear to be an owner, and under that Act an attempt was made to get possession of Leicester Square; but then an owner appeared and claimed it as his property, and he sufficiently established his right to prevent any action being taken in the matter. Being private property, of course the owner might do whatever he pleased with it, however disreputable it might be in the eyes of those who passed by it. He knew of no mode by which the place might be made more sightly, except by putting in force some law for dispossessing the owner and appropriating it to some public purpose. There was a general Act to enable local authorities to take property for the purpose of widening or altering a street on certain conditions; but he was not aware of any Act enabling any local authority to deal with any square or place enclosed or partially enclosed, however badly. It would be necessary, he believed, to introduce a private Act for the purpose, by which in the ordinary way the owner would be compelled to sell the property for a public purpose. An Act of that kind, however, did not come under his Department, but should be introduced and promoted by local authorities.

THE MAGISTRACY OF LANCASHIRE.

QUESTION.

Mr. ASSHETON CROSS said, before putting the Question of which he had given Notice, he would take the opportunity of thanking Lord Dufferin the Chancellor of the Duchy, for the kindness with which he had met him in regard to that matter. The Question he now would beg to ask the First Lord of the Treasury was, Whether such arrangements have now been made as will prevent for the future political appointments to the Magistracy in the county of Lancaster; and, if so, if he will be good enough to state the precise nature of such arrangements?

Mr. GLADSTONE: Sir, it has been felt by the community in Lancashire, and likewise in this House, that the mode of appointing magistrates in the county of Lancaster recently introduced has not been satisfactory, without attaching any blame to any party or any person in particular; and it appears that the remedy is not a difficult one, because it consists simply of returning to the ancient practice, or to the wisdom of our ancestors. In former times the magistrates of the county of Lancaster were appointed, like all other county magistrates, on the recommendation of the Lord Lieutenant of the county, only that the Chancellor of the Duchy discharged the same function on the part of the Crown as the Lord Chancellor discharges in the case of other counties. But it has now been arranged simply to return to that ancient practice—the Chancellor of the Duchy will now appoint on the recommendation of the Lord Lieutenant of the county. An official Minute was passed on the 1st of this month, with the approval of Her Majesty, by the Chancellor, directing that for the future that shall be the practice. I, therefore, hope this may be regarded as a permanent change, and I have no doubt it will be satisfactory in its operation.

INTERNATIONAL COPYRIGHT.

QUESTION.

Mr. MACFIE said, he wished to ask the Under Secretary of State for Foreign Affairs, If negotiations are in progress or completed for International Copyright Arrangements with the United States of America; if he will state the general tenour of these arrangements; and if Parliament will have an opportunity of considering them before they are confirmed in the form of a Treaty?

Mr. OTWAY said, in reply, that as negotiations were still pending on that subject between Her Majesty's Government and the Government of the United States, it was impossible now to state what the tenour of the arrangements would be. The question was not unattended with difficulty, and his noble Friend the Secretary of State was very desirous of conferring with certain eminent authors and publishers on the subject. As to the last part of the hon. Gentleman's Question, he was informed that the General International Copyright Act might be put in operation by the Crown by Order in Council in favour of any country which conceded reciprocal advantages to this country. A Convention with the United States would be within the power given by that Act, and therefore would not necessitate further legislation on the subject.

WORKMEN'S INTERNATIONAL EXHIBITION.—QUESTION.

Mr. T. HUGHES said, he wished to ask the Secretary to the Board of Trade, Whether he can hold out any hope of protection being extended to unpatented inventions of workmen which may be exhibited at the forthcoming Workmen's International Exhibition?

The ATTORNEY GENERAL said, in reply, that it was the intention of the Government to introduce a measure for that purpose. In 1865, an Act was passed for that purpose; but it had been pointed out to him that that Act was, to say the least of it, ambiguous. He was told that some persons put this interpretation upon it—that if an inventor exhibited his invention any other person might obtain a patent in respect of that invention in fraud of, and behind the back of the inventor. Now, that never was the intention of the Legislature; and if the Act was open to that construction, certainly it was right that any misapprehension as to its meaning should be removed. He therefore proposed, on the part of the Government, to introduce a Bill, the effect of which would be to protect exhibitors, who were the true inventors, against any loss of the patent rights that would accrue to them from their publishing their inventions, and which would not give any other person whatever the right to obtain a patent in respect to any invention so exhibited. He should state further that it was thought fair to workmen, who might exhibit in that exhibition, that protection should be given to them for six months from the date of the commencement of the exhibition. That being so, there would be no reason to apprehend any fraud or piracy. He had made an arrangement with the secretary of the exhibition that, if he would send to his, or to the Solicitor General's chambers a list of the inventions exhibited, care would be taken that exhibitors, who might have reason to think that persons applying for patents had any intention to pirate their inventions, should have due notice to enable them to oppose such applications for patents, as they were entitled to do by law. He trusted that a Bill, in the form he had described, would meet all the requirements that might be thought necessary.

COURT OF APPEAL IN CHANCERY.

QUESTION.

MR. WINTERBOTHAM said, he wished to ask Mr. Attorney General, Whether his attention has been called to the state of the Court of Appeal in Chancery; and whether he is aware that there has been only one Lord Justice of Appeal since August last; that Causes can be heard on Appeal only by two Lords Justices sitting together, or by the Lord Chancellor; that the Lord Chancellor has sat on only eleven days, or fragments of days, since the 23rd of March, and has in that time heard only one Cause; that forty-seven Causes are already waiting to be heard on Appeal, and if he supposes that they will be heard before the long vacation, considering the present state of the Court of Appeal; if his attention has been drawn to the fact that there being only one Lord Justice, Causes on Appeal from the Vice Chancellor of the Duchy of Lancaster cannot be heard except by making the Chancellor of the Duchy, who is not a lawyer, one of the Judges of Appeal; if he is aware that dissatisfaction is felt at Causes being heard on Appeal by one Lord Justice sitting alone; whether the Government intend to appoint at once another Lord Justice in the place of the late Lord Justice Selwyn; and, by what prerogative the Crown abstains from filling up judicial posts created by statute?

THE ATTORNEY GENERAL said, in answer to the first Question of his hon. and learned Friend, he had to say that of course he was aware of the fact stated in that Question. In respect of the statement that the Lord Chancellor had only sat 11 days, or fragments of days, since the 23rd of March, and in that time had only heard one cause, he had to observe that he had been informed that one cause was an exceptionally long one. He was aware that 47 causes were already waiting to be heard on appeal, but he believed they had been only entered four months ago—in February. He was informed by the Lord Chancellor that he intended to sit during the Whitsuntide Recess, and that his Lordship expected all the appeals would be cleared off before the long vacation. He (the Attorney General) admitted there was some difficulty with respect to appeals from the Duchy of Lancaster; but those appeals were very rare. There had been only one for a long time; and that of itself would hardly justify the appointment of another Judge if there were not other reasons for such an appointment. His hon. and learned Friend asked him whether he was aware that dissatisfaction was felt at causes being heard on appeal by one Lord Justice sitting alone. In reply, he had to say that he was not aware of such dissatisfaction. With regard to the inquiry, as to whether the Government intend to appoint at once another Lord Justice in the place of the late Lord Justice Selwyn, he need not remind the House that two Bills of a very important character were now pending in the House of Lords. If those Bills should pass, the office to which the question of his hon. and learned Friend related would be put an end to, or, at all events, considerably changed. Under those circumstances the Government would not feel justified in at once appointing another Lord Justice; but, in the event of such an appointment becoming necessary, it was not improbable that a short Bill would be introduced to enable the Government to make an appointment of the kind for a limited period. In reply to the last Question of his hon. and learned Friend, he had to reply that it did not require a prerogative of the Crown to enable the Crown to dispense with the exercise of a prerogative.

IRISH LAND BILL.—[Bill 145.]

(*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright.*)

THIRD READING.

Order for Third Reading read.

Mr. GATHORNE HARDY: Sir, I am not going to detain the House from coming to a conclusion on a business which has occupied it so long; but I think it necessary to say a few words on the Bill before it leaves this House. I believe the right hon. Gentleman at the head of the Government and his Friends will admit that from this side of the House there has been no opposition that could in any sense be called factious. We took Divisions only on points of primary importance, and I think it will not be denied that much of the delay to the progress of the Bill has proceeded from the right hon. Gentleman's own side of the House. Now, Sir, with regard to the Bill itself, I must first say that in my opinion it has been made better than it was when introduced by the right hon. Gentleman. The Bill, however, still contains principles to which I strongly object, and which, I trust, will be amended elsewhere. Certain points of the measure are of such importance, that I hope the House will permit me briefly to advert to them. The first point in the Bill, with regard to which I have never felt any doubt or objection, is that which proposes to render legal the Ulster tenant-right. I, however, take exception to that which has been added to the Bill since its introduction into this House—namely, that in the case where the tenant has agreed with his landlord as to a certain mode of dealing on a change of tenancy, an option should be given him to elect whether he will place himself under the Ulster tenant-right or under the 3rd clause of the Bill. The Bill gives him power to throw aside that which you yourselves have given him, and to resort to another method of recovering compensation than that which has been marked out under the previous part of the Bill. That, in my opinion, is an unnecessary provision to introduce, making the Bill even more exceptionable than it was before. Passing over the 2nd clause, which is practically the same as the first, I come to the 3rd clause. Looking at that clause as laying down the principle that there shall be damages given for the removal of a tenant from his holding, I think it is objectionable in principle. But I cannot conceal from myself that Irish gentlemen have, as a rule, acted towards their tenants upon a liberal and generous system. When their tenants have been disturbed in their holdings the landlords in many parts of Ireland have given liberally—I believe, in some cases, even more liberally than is provided for by the scale under the Bill; not exactly as a compensation, but as a charitable act towards their tenants, who have thus been enabled to settle in other parts of the country or to emigrate at their option. It seems to me, however, an unreasonable thing that that which has been done voluntarily and very generally should become compulsory upon every landlord in Ireland, and this under conditions which do not allow the parties to exempt themselves from its operation under any circumstances. By the law as laid down in this Bill, tenants of holdings under a £50 rental are precluded from entering into any relations with their landlords other than those provided for by the Bill. And it is a remarkable thing that the Bill having originally laid down that non-payment of rent should disentitle the tenant to compensation, it now declares that, under special circumstances, the matter shall be considered by the Court—that is to say, that non-payment of rent shall no longer be regarded as a sufficient ground for removal of the tenant from his holding, and this although under the wording of the Bill the rent may be already two years in arrear. It is a curious thing that when the Government made such a point of the inability of the tenants to contract with their landlords, that then, in the later stages of the Bill and just before it left the House, a clause should have been inserted in it which proves that the Government feel that the tenants are in a position to contract with their landlords upon the very important subject of the right of distraint. If the tenant is not in a position to contract with his landlord upon other matters connected with his holding, I do not see how he can be in a better position to contract with respect to the very difficult question of the landlard's power to distrain for arrears of rent. I pass from that point to the question of improvements, and although the Bill with reference to this part of the subject has been very much modified and amended, still I object to it, inasmuch as it throws retrospectively the onus of showing that he made improvements upon the landlord. In my opinion it is the tenant who makes the claim who should be required to adduce the affirmative proof necessary to support that claim. Of course, there can be no objection to the Bill laying down the course by which persons are to be guided in future; but, as far as its retrospective effect is concerned, I think such a provision is most objectionable. There is another point to which I have already called the attention of the House, which is this—No doubt, it is only reasonable that a tenant should have power to assign his tenancy, but does it not seem an unreasonable provision that, supposing that the tenant is about to be ejected for good cause, he should have power, at the last moment, to assign his tenancy to an incoming tenant against whom the landlord has no reasonable cause of complaint, and who, therefore would be entitled to full compensation under the 3rd clause of the Bill? It is clear that the Bill has not provided that no transfer shall be allowed to take place after notice to quit has been given. When the Bill was first brought forward I called attention to the litigation that was likely to ensue under its provisions, and I hope that the Government will, when the Bill is in "another place," endeavour to see whether unnecessary litigation may not be prevented. The tenant, on quitting his holding, will undoubtedly send in the highest possible claim for compensation, acting on the assumption that weak arbitrators frequently think to meet the justice of the case by splitting the difference between the amounts named by the two parties. Under Clause 14, the moment a single item of the tenant's claim is disputed, a dispute is declared to have arisen, and the Court, or arbitrator, alone has power to settle the matter, and no contract can be entered into between the landlord and the tenant whereby the claim of the latter can be invalidated. It is almost impossible to escape from expensive litigation under the Bill as it now stands. I would, therefore, ask the Government whether they may not deem it advisable to consider whether it is not very important that greater freedom of contract should be allowed—at all events between the period when the notice to quit is given and the time when the tenant leaves the holding? It is impossible that the tenant, who in negotiating would have the 3rd clause at his back, could suffer any disadvantage in entering into a contract with the view of avoiding future litigation. Then, under, the 23rd section, the limited owner appears to have greater power given him to agree with his tenant as to the amount of compensation than the owner in fee is to have. [Mr. GLADSTONE made a gesture of dissent.] The right hon. Gentleman opposite shakes his head; but I am not alone in the opinion I have formed upon that point. At all events, if the Act is doubtful upon the question it ought to be rendered more clear. I have already expressed my opinion upon the part of the Bill which relates to the purchase of the holdings by the tenants, which I regard as being highly objectionable; but, the House having approved that principle by a large majority, I do not intend to trouble it with any further observations in respect to it. Finding the Bill still very objectionable, I have to ask myself whether the objects that are to be gained by it are of such great importance as to render it unadvisable to offer further opposition to it. If I believed that the Bill would have the good effect predicted by the right hon. Gentleman and others, even perhaps in a more remote future than they refer to, I should be prepared to overlook many of the objectionable provisions that it contains, and to give up even a great deal more than has been given up on this side. I, however, never can believe that when you do injustice to one party for the sake of benefiting another you are acting upon principles that will bring about a permanent peace. On the contrary, although by adopting such a course you may, as by indiscriminate almsgiving, satisfy your conscience for the moment, and apparently be acting with generosity, you are really doing a great deal of harm. I believe this Bill will, instead of satisfying the people of Ireland, rather encourage them to ask for more, and that, therefore, you will fail to attain your object of restoring peace and harmony to Ireland, which you can only secure by meting out equal justice to all. Am I, then, prepared on these accounts to oppose the third reading of this Bill? No, I am not, because I should be extremely sorry that there should not be legislation upon the subject this Session, and because the Bill is now going to a House in which it will be discussed by those who themselves are deeply interested in the property of Ireland; and I hope it will there receive that fair consideration and amendment which, without making it unacceptable to this House, will improve it for the benefit of the whole of Ireland. It is with that hope and that expectation I refrain from being a party to opposing the Bill at this stage; and, although I have a strong feeling that many of its provisions are unwise, it is my ardent prayer that it may confer those benefits which the right hon. Gentleman at the head of the Government hopes it may.

MR. MAGUIRE said, he would not have interposed at this stage of the Bill but for the observations of the right hon. Gentleman, which he thought were of enormous importance as regarded the future of this Bill. The right hon. Gentleman did not intend to oppose the third reading; but he suggested an amount of opposition which might be fatal to the measure, and create a most deplorable state of things throughout the country. He (Mr. Maguire) hoped the Bill was about to leave the House finally, and that discussion upon it was at an end; and, in the hope that this would really be the case, he asked the House to consider why the Bill had become necessary, and how far it was likely to fulfil the object for which it was designed. For nearly 50 years past the grave and active mischief in Ireland was insecurity of tenure, despite the existence of good landlords, whose word was as good as their bond. This abiding sense of insecurity, coupled with a system of agriculture more backward than that of any other country, had caused thousands, and even millions to emigrate, and had fostered a feeling among the people that they were the victims of British law and British tyranny, and, as many of them conceived, of British hate. A Roman Catholic Bishop, of great moderation, who would hail this Bill with satisfaction, and had given wise advice to the people, had testified to him of the feeling of bitterness with which Irish emigrants left their native land, and, on the authority of a friend in the United States, he was assured that this feeling of hostility to England continued. He believed it would require many years of liberal and kind treatment of Ireland to eradicate that feeling from the Irish heart, and when that was done, and not until then, would they see the end of the Irish difficulty. The popular demand for fixity of tenure meant nothing more than what was at present the custom on many estates, but Parliament declined to grant that. Still, he believed, that, when properly understood, the Bill ought to satisfy the wants of the Irish people. It was not as much as he would ask for them, or endeavour to get; but it was impossible for any Government to pass a Bill more advanced than that the House was sending to the Lords. The right hon. Gentleman was right in saying the measure had not been factiously opposed from his side of the House; but it had been seriously opposed, and the opposition now foreshadowed was the most serious of all. He (Mr. Maguire) promised to urge his constituents to accept the Bill as it stood; but if it were cut down, mutilated, and deprived of its protecting properties the consequences would be melancholy and disastrous. If the other House obliged the rejection of the measure as unfit for the emergency, a fierce and violent agitation would be the result, to end no one knew how. Neither he nor many of his friends would join such an agitation; but there were men of a certain class in Ireland who would scoff at the people as dupes for having faith in the English Parliament and in English justice; a deep feeling of dissatisfaction would be raised and assume an active state, justified by the hopes Parliament had raised only to dash them to the ground. Ireland wanted repose, and there would be sufficient occupation for active politicians for some time to come in explaining the provisions of this Bill to those who did not understand it—in opposition to those who would not, and those who would prefer to misrepresent it—without having to oppose professional agitators. He did not believe the Bill would give rise to angry litigation, but litigation must, of course, result if persons could not agree; and what the Bill did was to lay down a good broad agrarian law to guide the Judges in their decisions. He could not think that the effect of the Bill would be to increase emigration.

On the contrary, he believed that if the occupier had a hope of security he would look forward to passing his life in his native land. The Bill would not interfere with the good landlords; it would only compel the bad ones to act more justly towards their tenants. The right hon. Gentleman urged that, because the Bill contained a clause empowering the landlord and tenant to come to an agreement between themselves as to the question of distress, therefore there ought to be no interference with any contract between them. For his own part he should like to see the law of distress abolished; but he did not think that the clause referred to was worth the paper it was written on. Indeed, the proposal was uncommonly like a mockery. To the question whether the Bill would be accepted by the people of Ireland, his reply was that if carried in its present state it would, he believed, produce a beneficial effect, and he must testify to the earnest desire of English and Scotch Members around him to make the measure work for the good of Ireland, Provided the Bill passed in its present form, he would do all he could to reconcile his countrymen to their disappointment at not having obtained all they desired. This question could not be re-opened for years to come, and it therefore became the duty of every Irishman, who loved his country, and who desired to promote peace and order, without which there could be no progress, to render the measure as acceptable as possible to his countrymen.

SIR FREDERICK W. HEYGATE said, he thought the hon. Member had better have waited till the Bill came back from "another place" before making the remarks with which he had favoured the House as to the reception it was likely to meet with there. The hon. Member had paid a compliment which was fairly deserved by Gentlemen on that (the Opposition) side of the House when he stated that, although landowners themselves, they had endeavoured to consider the Government proposals with fairness and impartiality, and without selfishness. When the Bill went to "another place," it would, he felt assured, receive from the distinguished individuls who formed that House the same consideration it had received in the House of Commons. No tenants in any part of the world had ever been so favoured as the Irish farmers would be by this Bill; but although the measure contained many provisions the policy of which was more than doubtful, still, on the whole, the question had become an Imperial one, and it was necessary for the Government to see how it could be dealt with. As these provisions had given rise to hopeful expectations in Ireland he was unwilling to throw any obstacles in the way of their passing. The English and Scotch Members generally, he believed, had been actuated by the same feeling. He particularly wished, however, to recall to the remembrance of the House the fact that the charges brought against the landlords as to the number of evictions and the harsh treatment of tenants had not been substantiated. The boon conferred on Irish tenants by this Bill was enormous. No one could indeed look carefully through the Bill without being struck with the circumstance that all the benefits were on one side. Almost every presumption in favour of the owners of property had been reversed. Having always felt, however, that a half measure would do more harm than good, he trusted to the good feeling of the Government to introduce certain alterations into the Bill; but he regretted to say that of all the proposals made on that side of the House not one of the smallest importance had been accepted. While we were holding out such large promises to Ireland, the wanton disturbances now going on in Canada formed a commentary on much that had been said respecting the causes of Irish disaffection. It was, of course, ridiculous to suppose that Fenianism could be cured by any legislation of this kind; but he trusted the Government would strictly and firmly administer the law of the land and not encourage the idea which had been prevalent in Ireland for many years past, that every misfortune of the country was to be cured by legislation. Everyone ought to share in the sentiment of the Member for Cork (Mr. Maguire) that there should be no more legislation for Ireland, but that peace should be established in the country. As to the Member for Kilkenny (Sir John Gray), who had devoted some years to attacking the Irish Church and the owners of land, he hoped the hon. Gentleman, following the advice of a noble Earl (Earl Russell), in "another place" in reference to another matter, would now "rest and be thankful." Let any Englishman put himself in the position of an Irish landlord. How would he like to see the Church of his country disestablished and disendowed, and to be told that it was the duty of the landowners to display their liberality by re-endowing the Church? What had occurred in the last two years was enough to make every good man despair. He earnestly hoped, however that Ireland would no longer be made the battle-field of party or a practising ground for Government to make their legislative experiments upon. As to the landlords, though they might be placed in a somewhat unfair position, he felt assured they would do their best, and the increased prosperity of the country would be an adequate return for any sacrifices they might make; while, he trusted, the tenants would show themselves worthy of the boon conferred on them by the Bill, by becoming industrious and prudent. As to the labourers what had been done done for them? Nothing. He could only say, as someone else had said in that House—"God help the labourers." A day he hoped would come when something would be done for them also. As to the Bill tending to put a stop to emigration, all he could say was that of all the absurd modes which could be devised for that purpose, none could be more absurd than the subdivision of land into minute plots, at a time when the price of provisions was constantly rising, and when it could not be expected that men would rest contented with a wretched pittance. It would be found that so long as the temptation of high wages and constant employment existed on the other side of the Atlantic, and so long as no adequate means of livelihood were to be derived from the pursuit of trade or commerce, men would not be satisfied with the subsistence to be drawn from a few miserable acres of land at home; and that no legislation, however just, would stop that stream of emigration from the shores of Ireland which was sapping the lifeblood of the Empire.

Mr. BRYAN said, he did not rise to oppose the third reading of the Bill. A Motion of this kind would, he thought, come better from those Irish Members who had voted against his Amendment on the second reading, and who then stated that unless the Bill were so modified in Committee as to meet their views they would not assent to its passing its final stage. In the absence of any opposition, however, on their part on the present occasion, he must, he supposed, take it for granted that in their opinion the Bill met all the requirements of Ireland. In that view he, however, could not concur with them; for he did not think the Bill had been much improved in Committee, and he could not allow the third reading to pass without expressing his great regret that Her Majesty's Government had not thought it their duty to introduce a clause for the amelioration of the condition of the agricultural labourer in Ireland—a class in whose behalf legislation was for some time imperatively demanded. It had been, he might add, stated by more than one Member of the Government that the Bill was growing in favour in Ireland from day to day. Such, however, was not the nature of the information which reached him from that country. But, upon that point, he would merely observe that, believing it be honestly meant, no one could rejoice more than himself if it were, in practice, found to be a panacea for the discontent of the tenant; and should that happy consummation be the result of its enactment, no one would acknowledge his error with greater humility.

Mr. GLADSTONE: Sir, the point—the advanced point, happily—which we have reached in the progress of this Bill is one of great importance, and it is desirable to take some notice of the position in which we stand. I cannot be at all surprised, therefore—nor do I make any complaint—that the right hon. Gentleman the Member for the University of Oxford (Mr. Gathorne Hardy) should have made use of this opportunity to state the objections which he feels to the measure; and to state, further, the hopes which he entertains that those objections may be removed by alterations made in "another place." There was, indeed, a phrase he used which was most ominous in its character; but I do not think it ought, from the subsequent tenour of his speech, to have a very literal construction placed on it. I allude to the sentence in which he declared that there were principles in the Bill which he thought ought, in some degree, to be amended. Now, it is not for me to seek to limit the discretion of the right hon. Gentleman. He has a perfect right to desire that amendments or alterations should be made in any way in which they can be legitimately introduced in the principles of the Bill. It is, however, impossible for the Government to hear the expression of his opinion upon that point without feeling that any alteration in those principles, in the sense which he has indicated, would deprive the measure of all its force and value. But with respect to the particular points mentioned by the right hon. Gentleman, I do not think it necessary that I should go over them all in detail. In one or two instances, I think it is plain his objections may be removed by a mere statement; or, if they be well founded, we should offer no objection to removing them in any other manner. He says, for example, that there will be much unnecessary litigation under the Bill, because after a dispute has arisen the parties will have no power to retire from it. Now, that is entirely contrary to our opinion. There is nothing whatsoever, it seems to us, independently of the power of arbitration and the proceedings of the Court, to prevent the parties from coming to an agreement and dropping the prosecution of their dispute at the very outset. Who, I am at a loss to know, will there be to prosecute? If both parties retire, our belief is that any arrangement made between them, after they have entered into the dispute, will be as effectual as if they had entered into an agreement without any dispute whatever. As to any changes in that clause in the Bill which provides that non-payment of rent under special circumstances should not be a bar to a claim for disturbance, the right hon. Gentleman cannot, I am sure, forget that it is entirely limited to tenancies already in existence. The right hon. Gentleman went on to say that it was inconsistent in my right hon. Friend near me (Mr. Chichester Fortescue) to have introduced a clause into the Bill permitting a tenant hereafter to contract in regard to the process of recovering rent by means of distress when the general operation of the Bill was to destroy freedom of contract. I think the right hon. Gentleman has erroneously stated the principle of the Bill. Its principle, as a rule, is to leave freedom of contract, and it is only with respect to particular matters in the 3rd clause that it is interfered with. By any contract made by any tenant, from the day the Bill receives the Royal Assent, to pay any rent whatsoever reasonable or unreasonable, he will be absolutely bound, and he will not be able to escape from the obligation. I was not, I may add, surprised at the declarations of the right hon. Gentleman; but I own I was somewhat surprised that the hon. Baronet the Member for Londonderry (Sir Frederick W. Heygate) should have found fault with my hon. Friend the Member for Cork (Mr. Maguire) for saying that he hoped the Bill would not be altered in "another place" in a sense opposed to his views, seeing that the right hon. Gentleman the Member for the University of Oxford had just expressed a hope that it would be altered in accordance with his views, and that the hon. Baronet himself went on to exhibit his sense of the value of the complaint which he made regarding my hon. Friend the Member for Cork by imitating the example of the right hon. Gentleman near him. Surely, what is good for the goose is good for the gander. But, leaving matters of detail, as the right hon. Gentleman the Member for the University of Oxford has stated his general view of this measure, there are two or three propositions to which I would wish to call his attention. I will not ask him to re-call his charge—which has been echoed by the hon. Baronet the Member for Londonderry — that this is a one-sided Bill against the landlord and in favour of the tenant; but I will just point out this fact, that for generations and centuries legislation has been almost entirely in favour of the landlord. What has been the result? What is the position of the landlord in regard to security of life, security of property, and in regard to the price which his estate will fetch in the market? And when we find the result has been what it is, of the adoption of the too one-sided policy pursued by Parliament in former generations, will not the right hon. Gentleman bring himself to admit that legislation in favour of the tenant for the purpose of giving him security in the prosecution of his industry may turn out to be the best and surest method of legislating for the interest of the landlord? But that is a disputed matter, and I cannot ask hon. Gentlemen opposite to agree in our views as to the operation of the Bill in that particular, however strong may be the conviction on the point which we ourselves entertain. I wish, however, to state that in framing this measure we deliberately and advisedly declined to meet the popular demands in Ireland. There can be no question at all as to what those demands were. There were demands widely spread that the Ulster custom should be recognized as the universal land law of Ireland. To that demand we declined to accede, and we have refused to admit into the Bill the recognition of any custom out of Ulster as the Ulster custom, unless we found it to possess in the most stringent way all the characteristics of that custom. Another demand which went though the whole of Ireland was one for the valuation of rents and for fixity of tenure, and there are those who say that valuation of rents is involved in the Bill as it stands. Now, that is true where the Ulster custom prevails up to a certain point; but that case does not stand on the ground of conventional legislation, but on the recognition of rights already in existence. I contend that the principle of the 3rd clause, establishing damages for eviction, is entirely different from the principle of the valuation of rents. It places a burden, I admit, on the landlord who evicts without a cause; but that burden is limited and cannot go beyond a certain point. A valuation of rents would fix the absolute amount of rent that should be paid; the amount under the Bill is left wholly free, and the fine or burden that may be levied on the landlord is confined within the limit of a certain maximum. It is, notwithstanding, well known in Ireland, and the speech of the hon. Member for Kilkenny county (Sir John Gray) is a sufficient proof of it—that we declined to found our Bill on the principle of the valuation of rents. We, therefore, advisedly declined to accede to those popular demands. We have declined to accede to them, and having brought in a Bill founded upon a distinct and much more limited basis, we have presented it to the House after an amount of labour on our own part such as in the course of a long political life I have never known bestowed on the preparation of a Bill; and I must add, entirely agreeing in the main upon this point with the right hon. Gentleman, that the House of Commons, which has spent 22 or 23 nights in the discussion of the Bill, has bestowed on it an amount of care, attention, and time for which there are but few precedents; but this, so far from being matter of reproach, was amply warranted and even demanded by the gravity, magnitude, and intricacy of the case, and we are thankful to the House for the assistance we have received. The hon. Baronet opposite says that no Amendment of importance has been received from that side of the House. But when an Amendment was proposed we have not asked ourselves from which side it came; at all events, this is a statement which the hon. Baronet will not question — that many Amendments have been made in the Bill tending to render it more acceptable or less unacceptable to him and those who think with him. I would also ask the House to consider whether we have not framed a measure of which we can fairly allege that when it comes into operation it will do so without shock to any interest in Ireland. I know of nothing that it would be incumbent upon any man, be he landlord or tenant, to do under the clauses of this Bill—I mean in the way of exercising legal powers — after it becomes law. What I hope will be is this—that the tenant will prosecute his industry with a greater sense of confidence; that the landlord will find the benefit of that increased industry in the augmented value of his property, and that the labourer, for whom it seems to be supposed that we ought to have invented some nostrum, will receive some advantage in the only important way in which it is possible for Parliament to confer it — in the greater demand for what he has to sell, the strength that lies in the muscles of his arm. That gentle mode of operation which we have tried to secure is, I believe, likely to characterize the action of this Bill when it becomes law, and to it I trust the words of Dryden on another subject may be applicable—

> "The flood of mercy that o'erflowed our isle,
> Calm in the rise, and fruitful as the Nile."

It is by that imperceptible action on the community of Ireland that we hope this Bill, when it becomes law, will be characterized, and not by sudden and violent change, least of all by producing any results which might tend to aggravate animosity or to create mistrust between class and class. I am glad to record that from the great body of those who opposed us on the second reading, the representatives of popular sentiments and principles in Ireland, without any compromise of their liberty, after many attempts made in the spirit of perfect fairness for more extended legislation, we have received the most valuable support. They have been content to accept a measure which many of them think less, much less, than they would have been entitled in absolute justice to demand; and not only have they been content to act in that way in this House, but they have energetically used all the influence they possess in Ireland to propagate among the people the sentiments by which they themselves are animated. We have every reason, therefore, to hope that those in whom the mass of the Irish occupiers have been accustomed to repose their confidence, whether persons sitting in this House or others—in short, all classes resident in Ireland—will give to the State their best assistance in carrying this Bill, should it become law, into happy operation, and in making it the means of restoring that confidence in the law, and the public authority, the want of which is the greatest of all Irish difficulties and at the bottom of all Irish mischiefs. I am bound to say that the moderation of spirit which has generally characterized the conduct of Irish Members on this side of the House—and justice requires me to say the same of a large number of Irish Members on the other side also—has imposed upon us the higher obligation to be faithful to those who have been faithful to the public interests, and, having striven in every way to frame the matter of this Bill, not in the interests of one party, but in a large and equitable spirit, to use our best efforts to maintain it in its integrity and efficiency. And I would say to the right hon. Gentleman, surveying in one single glance, and with rapidity, the Amendments to which he has adverted, and considering the gravity of the motives which render it necessary for the public interest that this Bill should pass into law, is it worth while, for the sake of points like those he has raised—even if we could accede more than we can to the view that he takes, to risk the miscarriage of this great undertaking? For it is a great undertaking, upon which the Imperial Parliament has thought it worth while—nay, has thought it its duty and honour—to spend more than half a Session, and great will be the responsibility of those who should prevent the work from attaining the desired consummation. Now, Sir, what are the sentiments which seem to predominate in the mind of the right hon. Gentleman, so far as he is an objecting party to the provisions of this Bill? It is that they import some injustice to the Irish landlord. But I put to the right hon. Gentleman this question, and I found myself on the conduct of the Irish landlords in this House for the opinion I entertain—Suppose we could gather the Irish landlords in a mass, and obtain from them, honestly, their judgment whether they would prefer the Bill, on the one hand, as it stands, or, on the other, the state and prospects of Ireland were the Bill to be rejected or to be mutilated in a manner to ensure its rejection, and we were to put to these Irish landlords, categorically, the question—"Will you take it as it is, or will you have it lost?" I may be wrong; but my firm conviction is, that the cry of these landlords would be—"Let the Bill pass into law!" There is no doubt that the settlement of questions of this kind should be governed by a studious moderation; that is essential in order to make it tolerable to a country which is distinguished for its attachment to the stability of property as much as its attachment to the principles of law and order. It is therefore, I think, that my hon. Friends who represent the popular party in Ireland have so often, even with cheerfulness, acquiesced in our declining to accede to what we felt to be extreme demands — demands which they knew the people of Great Britain would never have agreed to. Excesses we have endeavoured to avoid; but it would be idle —it would be conferring no benefit upon any one—it would be fatal to our own character — it would be injurious to the reputation of Parliament, it would be hostile to the interests of the Irish landlord—were we to attempt to induce Parliament to pass an ineffectual measure. Of course, we may have erred in our attempts to realize that just moderation of view which lies between violence, on the one hand, and feebleness on the other; but we have not erred from want of upright intention or of studied labour. The aid we have received from the House, bestowed with such unexampled care and patience, and with so much intelligence, knowledge, and ability, has, I confidently think—setting aside those minor touches which in every work of art, law, or industry, may always be applied with advantage to bring such works to perfection—brought this measure to a state in which, if it be allowed to take its place in the statute book, it will redound to the honour of Parliament and the benefit and security of the Empire.

Captain ARCHDALL said, the object of some hon. Members below the Gangway might be described as confiscation pure and simple. Allusion had been made to the overwhelming majorities by which the different clauses of the Bill were carried. But how had these majorities been obtained? Were they obtained from the convictions of hon. Gentlemen that they were voting for what was just or expedient, or were not the clauses carried rather by the force and power of a tyrant and unreasonable majority? He was supported in that view by the leading organ of the Press, which said that English Members in supporting the Government during the progress of the Bill had abnegated their own opinions on every important occasion. The Government found the Province of Ulster peaceable, prosperous, and contented. The relations between landlord and tenant rested there on a sound and healthy basis, and the tenant-right of that district was not the cause but the result and sign of the existence of those happy relations. The Government, by legalizing the Ulster right, had taken a strong step towards destroying that happy state of things to which he had alluded, and which had existed for centuries in that part of Ireland. They had destroyed the rights of property and substituted litigation for peace and contentment. He regarded the measure as unstatesmanlike in its conception, and as likely to act most detrimentally and mischievously upon the welfare of Ireland. No one could more fully acknowledge than he the necessity for some legislation which should give to the tenant security for his improvements — but he must enter his protest against this Bill; and so monstrous and unjust did he think it that he should place his protest on record by dividing the House against the third reading.

Sir JOHN GRAY did not intend to trespass at any length on the indulgence of the House; but he could not remain silent after the allusion made to the course he pursued in reference to the Irish Church and Irish land questions by the hon. Baronet the Member for Londonderry. He accepted all the responsibility of the Church agitation and of the land agitation; and he would confidently ask, would the Irish Church be now disestablished and disendowed if that agitation had not been earnestly pursued, or would even the incomplete Land Bill be before them in its present form if public attention had not been awakened on the subject of the tenants' wrongs? When he began the agitation of the Church question in that House, four years ago, the present Ministers were in Office, and all he could get from them, in 1866, was a cold "God speed." In 1867 he got some aid, but not the votes of the Leaders, and the Liberal party was beaten only by 12 in a large House; but, before two years from the date of that Division, religious ascendancy was put an end to by the complete measure introduced by the Prime Minister. The result he was proud to point to now, though he was abundantly sneered at when he first began that agitation. He (Sir John Gray) had hoped the Minister who had given them a complete and final measure on the Church question, would have settled the land question in the same complete and final manner. In this he was disappointed; for, though hon. Members on the other side talked of the Bill as a great concession and a great boon, he would ask what was it but a tardy act of justice? They no doubt, with all the old feudal ideas still fresh in their minds, thought they had made great concessions in allowing the tenant to enjoy the fruit of his own industry. Thanks to the agitation which men were ready to decry in order that the country "might have repose"—and perhaps other "repose" than that of the country was also thought of—the agitation produced the conviction that the tenantry of Ireland would no longer submit to be deprived of the fruits of their industry; and to give them their property was no boon, but a simple act of restitution. The Irish tenantry did not desire to interfere with the landlord's just rights in his property. They asked for no penalties against landlords; for, acting in accordance with law, what they did ask was that the notice to quit, except for statutory causes, should end for ever, and that so long as the tenant paid his rent and performed all his duties, capricious eviction should be rendered impossible by law instead of being recognized, and the landlord fined for doing that which was legal. This Bill, while fully recognizing principles to which he would not then advert, fell immeasurably short of what it ought to be; but he was, nevertheless, thankful that the Committee had amended the measure so far, and he hoped the House would persevere until they passed a measure of complete justice, and one which should be a full and successful settlement of the land question. This Bill was not such a settlement—it was not, and would not be, accepted by the Irish people as a full settlement. Some hon. Members assured the House that the Bill was looked on with great favour in Ireland by the tenantry, and accepted as a final settlement. He would be the last to detract from the really useful parts of the Bill, to discredit the advantages it would confer, or deny to its authors the full meed of praise for what they had done; but he saw no indication that the Irish tenantry accepted the Bill as a settlement. The Petitions presented in favour of a measure formed the true test of the popular feeling with regard to it. He would apply that test to this measure. When the Minister introduced his Irish Church propositions in 1868 nearly 2,500 Petitions were presented from Ireland, signed by more than 500,000 people. How many Petitions were sent from Ireland in favour of the Land Bill? Not one. The 22nd Report of the Petitions Committee stated that two Petitions had been presented to the House in favour of the Bill, though it was three months before the country, and neither of these came from Ireland—one being a Petition from Scotland, signed by one person; and the other a Petition from Newcastle, also signed by one person. ["Divide."] These might be bitter truths, and disagreeable to have uttered; but it was better for hon. Members to know the truth, and recognize the fact that, whatever the benefits conferred, the Bill was not accepted in Ireland, and would not be accepted as a settlement. The Bill did not deal out the same measure of benefit to all the tenantry; and equality of treatment was the first essential of a settlement of a question by which all are equally affected. When the Prime Minister introduced this Bill he repudiated the doctrine of fixity of tenure as something so monstrous that no man having regard to the rights of landed proprietors could even consider it, and he promised instead "stability of tenure." But what did the Bill do as modified by the Amendments made in Committee? It actually gave perpetuity of tenure to more than two-fifths of the of the present tenants-at-will in Ireland, and this statement, and these words, "perpetuity of tenure," or rather "perpetual leases," were taken from the Report of the Landlord's Committee, of which many hon. Gentlemen opposite were members, as the true description of the condition in which more than 200,000 tenants would now be under the 1st and 2nd clauses of the Bill, as the consequence of important alterations made. As the Bill was first framed these 200,000 tenants, who have Ulster custom in either North or South, would only be compensated after being evicted like other tenants; but as the altered Bill stands they will have fixed or perpetual tenure, and, as has been admitted to-night by the Premier, valuation rents. ["Divide!"] He would wish to say in the House what he would say outside the House, as to the reason why he did not, and why the people of Ireland would not, accept this unequal Bill as a final settlement. When the Bill was read a second time he objected to it, because the tenant-right of Ulster was not secured, and that of the South would be abolished by the Bill as it then stood, and the result would be consolidation of farms. He objected to it now, because, though the clauses which dealt with the custom of continuous occupancy at fair rents were so altered after the exposure of them, that 200,000 tenants obtained perpetuity and valuation of rents, the remnant were still subject to capricious eviction, and had neither stability nor fixity, and because the smaller of these tenants would be liable to be consolidated out of their farms, and converted into that class of labourers whose misery was so well described in the official Reports. He would not be unjust to the Bill or to its authors. It was a Bill most humane and most effective for its purpose of putting an end to the cruelties that heretofore attended on evictions in Ireland, and the details of which so often harrowed the feelings of that House. These cruelties could never again be repeated, and for that he thanked the Government. No father, with his wife and little ones, could again be cast wantonly into the ditch-side to die in the presence of his ruined cottage; he must at least be provided with means to emigrate, or to obtain shelter and food; and for putting an end for ever to all the torturing cruelties of the eviction process he could find no words too strong to express his approbation. The 200,000 tenants secured perpetuity and valued rents had all they could justly ask—all that he ever asked for the Irish tenant—and his discontent and dissatisfaction were, that the same benefits were not extended to all the Irish tenants. He said, in his speech on the second reading, that he feared the Bill would lead to the consolidation of small farms. As regards the farms held by those excluded from perpetual leases and valued rents, he was of the same opinion still; and he would, with the indulgence of the House, proceed to show that others—many of them persons who did not think as he did, were of the same opinion. The hon. Member for Cavan (Mr. Saunderson), recently in discussing his (Sir J. Gray's) proposal to permit other landlords to do for their tenants what the Bill did for 200,000 of the tenants-at-will, referred to the great number of holdings under 15 acres in Ireland, and asked whether it would be well for that country that such a state of things should remain for all time. He asked would any friend of Ireland stereotype the 15-acre farmer, and in continuation, said that if the Member for Cork City (Mr. Maguire) were in his seat he would ask him whether a farm of 15 acres was a desirable holding, and whether, if they acceded to his (Sir John Gray's) proposition, there was any hope in our time of seeing any alteration in the condition of Ireland. That speech of the hon. Member for Cavan, which in terms declared that the 15-acre farms must be consolidated if there was to be any hope for Ireland under the improved legislation, was applauded in a marked manner by the occupants of the Treasury Bench; and after it was concluded the greatest authority in the House passed on it a most glowing eulogium, which he confessed increased his (Sir John Gray's) conviction as to the tendency of the Bill. But, high as was the authority of the hon. Member for Cavan, a still greater authority on the policy and effect of the Bill—and an authority which Government could not repudiate—had interpreted the Bill in the same way, and in much more forcible language, in commenting on the speech of the Member for Cavan. The language was so remarkable that he would quote it *verbatim*. This eminent authority thus wrote on the morning after the debate he referred to—

> "As Mr. Saunderson pointed out, the plan would likewise have done enormous harm by tending to perpetuate those small holdings, under 15 or 20 acres, on which it is impossible for a family to live save in a state of squalor and starvation. He is the worst enemy of Ireland who would lift a finger to prevent such miserable holdings from being merged in larger farms. The process of extinction must, of course, be made gradual, in order to prevent the hardship which would come from a sudden change; but the doom of the 15-acre farmer is written, and any attempt to put off the day of destruction—as Sir John Gray's clause would have tried to do—is utterly mischievous."

These were the words of, and this the interpretation given to the Bill by the admittedly powerful morning organ of the Government. If words have meaning, these words declare that to tolerate holdings of 15 and 20 acres would destroy the policy of the Bill, and that the effort to do so by some of the Irish Members was "utterly mischievous." The men who would prolong the existence of the 20-acre farmer are described as the worst enemies of Ireland and of the measure of the Government. They were thus semi-officially informed that the doom of the 15-acre men is "written." Written where? Written in the Bill the writer was discussing; and it is added that the "extinction" and "destruction" of that class of farmers, the 15 and 20-acre tenants, is to be effected painlessly, but with irresistible certainty. Others, then, and those who are supposed to know the mind of the Cabinet, believe that this Bill will prove to be a Bill that will extinguish the 20-acre farmers during the present generation. He (Sir John Gray) did not impute that intention to the Premier, whose humane sentiments and feelings he knew never contemplated such a result. But the provisions of the Bill caused him (Sir John Gray) and the authorities he quoted to conclude that, whatever the intent, this would be the result. He would be doing a wrong to his own convictions if he said he believed the Government meant it to be so; but he would be equally doing a wrong to his judgment if he did not frankly recognize the conclusiveness of the argument of the leading journal of the Treasury Bench, who objected to permissive tenant-right because it would tend to stop the "extinction" and "destruction" by consolidation of the 20-acre farmers, and their conversion into exiles or pauper labourers. He would ask them to remember that in Ulster, where the rule henceforth by law was to be perpetual lease and valued rent—in Ulster, the most peaceable and contented, because the most prosperous part of Ireland, the average of all the farms, great and small, was 22 statute acres; yet the 20-acre men were to be extinguished, according to the daily organ of the Government. There were in Ireland 428,000 tenant-farmers whose holdings were valued under £15, which, in fact, represented the class thus doomed to destruction. Would that message content or give peace to the farmers of that class who were not to have fixed tenure or valued rent? Nearly one-half were to have these blessings, the other half were not. This was the blot of the Bill—one that must sooner or later be remedied. He gave all credit for what was done, and only regretted that more comprehensive counsels did not prevail, and that the real boon of perpetuity of tenure and valued rents conferred on one moiety by the Bill was not conferred on all. This was the great blot of the Bill. He honoured the Government for conceding to them in Committee this "fixity of tenure and valued rents" to so large a portion of the tenantry. The blot of its non-extension to the remainder must be cured if there was to be a final settlement of the land question. One word as to the second part of the Bill. The principle of that part was one worthy of all acceptance; but he believed that, in the absence of some compulsory provision, it would never work save only in the cases of compulsory sales in the Court. No landlord having an estate, if divided into 50 or 100 small farms, would sell voluntarily 10 acres to one man, and 20 to another, and so on, creating some 10 or 12 fee-simple owners in the very centre of his estate. The idea was Utopian, as was well-known to every man who understood the feelings of Irish proprietors and the value set by them on the ring fence, so much prized by the landed gentry everywhere. Some pressure must be put on owners, for the clause could not work unless they gave some such alternative as fixed tenure, or a sale at the full value. If this were done, even with the other defects, the Bill would soon work out a final and satisfactory settlement of the land question of Ireland; otherwise Part II. would be a dead letter.

Mr. M'CARTHY DOWNING said, he had not intended to make a single observation on the third reading of this Bill; but, after the speech of the hon. Member for Kilkenny (Sir John Gray), he did not think he would be doing his duty, as the representative of one of the largest agricultural constituencies in Ireland, if he remained altogether silent. To a certain extent he agreed with the hon. Member for Kilkenny. The Bill was not all that he could have desired it to be. He wished it had a still larger scope, and conferred larger rights on the agricultural population of Ireland; but as one who took a very deep interest in this matter, and had devoted whatever experience he had acquired to the task of improving the measure, he must express his belief that the Bill would have the effect the Government intended. It would put an end to capricious evictions. He was pretty well acquainted with the administration of the existing law, and he knew what the feelings of the people were. What they wanted was protection for their improvements and protection against eviction. He did not say that as a rule evictions were extensively carried out by large proprietors in Ireland but, unquestionably, there were evictions which in too many cases were unjustifiable. He was satisfied that if this Bill became law in the shape it was leaving the House of Commons no long period would have elapsed before the people of Ireland would thank the Government for having passed another great remedial measure. Within the last few days he had had an opportunity of talking to one of the largest landed proprietors in Ireland. The nobleman to whom he referred was a Member of the other House of Parliament, and a man who had been always much opposed to legislative interference with landlords. Well, that noble Lord agreed with him in thinking that this Bill did not interfere with the landlord who was disposed to act properly, justly, and generously towards his tenants, but only with those proprietors who brought disgrace on their country. He thought that certain Amendments which he had proposed and which the Government had not accepted would have been beneficial; but, in fairness, he must remember that, while refusing to accede to those Amendments, the right hon. Gentleman on the Treasury Bench had shown equal determination in resisting Amendments coming from the other side of the House, and which would have trenched on advantages which the Bill gave the tenants. He thanked the Government for the Bill, believing, as he did, that before 12 months it would be generally regarded as a measure worthy to have followed the measure for the disestablishment of the Irish Church, and as one which would contribute to make Ireland prosperous and contented.

Colonel BARTTELOT said, he rose for the purpose of recommending his hon. and gallant Friend the Member for Fermanagh (Captain Archdall) not to divide the House. He agreed in the views of his hon. and gallant Friend, and had supported those views from the beginning of the discussions on this measure. Day after day, and night after night, he and a number of his hon. Friends attended in that House to do their duty to Ireland as well as they knew how. The House, by large majorities—arrived at in what manner he would not say — had decided that this Bill should go up to "another place" in its present shape. He now asked the right hon. Gentleman at the head of the Government whether the Conservative Members had not done their duty in a more consistent manner than the hon. Member for Kilkenny (Sir John Gray) had discharged what he said was his. What would be the effect of the speech which that hon. Gentleman had just delivered? Had he not given utterance to opinions which, when circulated in Ireland, would be most dangerous to the people whom he professed to love? Half of the mischief which had been brought about in Ireland might be attributed to the expression of such opinions. He thought it right that the Members of that House should speak plainly when they heard such addresses as that of the hon. Member for Kilkenny. He (Colonel Barttelot) and his Friends felt they had discharged their duty. They knew not what would be done with the Bill in "another place;" but if it became law he hoped it might at least, conciliate the Irish nation, and in that spirit he asked his hon. and gallant Friend not to press his Amendment to a Division.

Mr. CHICHESTER FORTESCUE: Sir, I do not know whether we are to divide [Captain Archdall: No!]; but I rise to enter my protest against the speech of my hon. Friend the Member for Kilkenny (Sir John Gray). Part of that speech we do not quarrel with. He has given much time and attention to this Bill, and he has a right to express his opinions on it. He said it would put an end to evictions. [Sir John Gray: To the cruelty of evictions.] Well, the cruelty of evictions; but he then went on to say, for reasons which I cannot explain, that this was a Bill which would encourage clearance and undue consolidation in Ireland, and that under its operation the small tenantry would disappear. Nothing would induce me to sit in my place and hear such an assertion without at once rising to protest against it. I say further that nothing would induce me—and I can equally answer for my right hon. Friend the First Minister of the Crown and those who act with him—nothing would induce us to frame such a Bill as this if we for one moment believed its operation would be of the cruel character described in the prophecy of my hon. Friend the Member for Kilkenny. I do not know his authority for the statement he has made on this point. He referred to my hon. Friend the Member for Cavan, but when, in his lively and vigorous speech, he (Mr. Saunderson) was applauded by my right hon. Friend at the head of the Government and by others on this Bench, we did not cheer him for anything he said on the subject of consolidation, but for the spirit in which as a landlord he accepted this Bill. My hon. Friend referred to some other authority. I do not know what it was, but how any human being can think that a Bill framed for the special protection of poor tenants can deserve the character he has given it passes my comprehension. All the changes made in the Bill with reference to that class of tenants have strengthened their position. The changes which have modified the provisions relating to tenants refer mainly to the richer and more independent tenants; but as respects protection to the poorer classes of tenants, the Bill has come out of Committee stronger than when it went in. We are now, however, told that a Bill, which will afford exceptional protection to the small tenantry against the cruelties of eviction, is a Bill for their extinction, and the consolidation of their farms. I protest against such a description of the Bill; but I am not at all frightened by the strange views of the hon. Member for Kilkenny. I am sure they are not shared by the small tenants of Ireland. These tenants know very well what they are about; they know who their friends are; and if they have not yet learnt they will before long discover the benefits which this Bill confers on them. They entertain no such views—I call them morbid and distorted views—as those on which my hon. Friend's gloomy vaticinations are founded. It would, indeed, be disheartening to those—and I am not afraid to say that I am one of the number—who have laboured day by day, for many months past, in devising a measure of protection for the Irish tenantry, to find that the Bill would work in the way the hon. Member for Kilkenny has described. But I protest against his forebodings. My hope and confidence are very strong that the predictions of the hon. Member, who on this occasion has made himself a prophet of evil, will not be realized.

MR. H. A. HERBERT said, that, as a landlord in the South of Ireland, he could not but express his satisfaction that the discussions on this Bill had come to an end. He did not say he liked every provision in it; but he thought there was so much good in the Bill that every sacrifice the landlord might have to make would be small as compared with the benefits which would result from the measure. He hoped the Bill would become law in its present shape. He also trusted that the country would be warned against the mischief which words spoken that evening would effect, if they were not met by counter-statements. An hon. Gentleman (Sir John Gray) had told the House plainly that he was going to begin another agitation; he said the Bill could not content the country, and the country would not be satisfied with it. He believed that if the hon. Gentleman went about the country telling the people those things he would find men to meet him. He for one would raise his voice to prevent another agitation and to forward the views of the Government in this matter.

MR. BRADY said, he was anxious that the Bill should pass, inasmuch as it gave great satisfaction to the inhabitants of that portion of Ireland which he represented. With regard to the observation of the hon. Gentleman who spoke last, he felt assured that in every word he uttered he had the welfare of the country at heart; but the hon. Member had been mistaken. He (Mr. Brady) believed that, in a short time, the measure which the Government had introduced, would confer great and lasting benefit on the people of Ireland.

MR. MURPHY said, that representing as he did, a constituency—the City of Cork—which felt a strong interest in the Bill; and having watched the measure in its progress up to the present stage, it was impossible that he could sit silently in his place and not rise to repudiate, as far as his words could repudiate, the baneful consequences which the hon. Member for Kilkenny (Sir John Gray) had predicted with regard to the operation of this Bill. That hon. Member began by giving the measure almost unqualified praise; but when he spoke of the Amendments of the hon. Member for Cavan, he said they would have the effect of consolidating small farms, and he then described the Bill as mischievous. His (Mr. Murphy's) belief was that the measure was the most practical measure that could be brought in by any Government desiring, in all sincerity, to pass the measure which they introduced. He believed that the country would not have sanctioned perpetuity of tenure. Any Government who proposed such perpetuity would know that it would be impossible to carry it. He gave the First Minister of the Crown and the Cabinet great credit for their sagacity and their high courage in bringing forward this measure; and he tendered his warmest thanks to the Chief Secretary for Ireland, who, by virtue of his office, was largely engaged in the preparation and carrying of the measure. Every hon. Member who communicated with the Chief Secretary was treated with courtesy, but at the same time with firmness.

Bill read the third time, and *passed.*

CUSTOMS AND INLAND REVENUE BILL.

[BILL 133.] SECOND READING.

Order for Second Reading read.

MR. G. B. GREGORY said, he wished to call attention to that portion of the measure in which the Chancellor of the Exchequer proposed to abolish hawkers' licences. He thought that any measure which tended to increase vagrancy or give facilities for its operation was highly objectionable. He lived on one of the great roads leading to the Southern Coast, and his house was situated between two workhouses, so that he saw a good deal of vagrancy. The higher classes, however, did not suffer so much from the presence of vagrants as their poorer neighbours, who in harvest and hopping times left their cottages unprotected to go to their work, and the vagrants often obtained access to the premises, and carried off trifling articles that might be hanging or standing about the dwelling. He feared the provision in the Bill would aggravate these evils, inasmuch as vagrants would be enabled to take themselves out of the jurisdiction of the magistrates by becoming the hawkers of lucifer matches or any other small wares. He wished the right hon. Gentleman would introduce some clause which would prevent this. Another point to which he would call attention was this—great difficulty was sustained by the surveyors of highways in obtaining horses to draw materials for the repair of roads. If the farmer should let his horses for the purpose he would become liable for the duty of 10*s*., and therefore he refused to let them. This was a difficulty which ought to be removed in this Bill, and he trusted that the right hon. Gentleman would be disposed to give relief in this direction, and thus remove one of the chief difficulties now experienced by the surveyors of highways in keeping those roads in repair.

MR. SCLATER-BOOTH said, he hoped the Chancellor of the Exchequer would see his way to make those alterations with regard to agricultural horses in Committee. He knew that the highway surveyors were put to a serious inconvenience by the strict interpretation of the law as it stood. One point he also wished to suggest as to the hawkers' licences. He took it for granted that they would have some registration or police supervision substituted for the provision of the law as it now stood. He quite understood the desire of the Chancellor of the Exchequer that hawkers who travelled about the country in carts should pay the two guineas tax, as a substitute for the house duty and other taxes paid by resident traders; but there were hawkers of a lower grade who travelled with a pony or a barrow, and he thought that a guinea was as large a sum as they ought to be called on to pay. Hon. Members had learnt from the newspapers that the whole of the clauses relating to the proposed alteration in the railway passengers' duty were to be struck out; but it would have been more seemly if the Chancellor of the Exchequer had given notice of his intention to omit those clauses when he moved the second reading of the Bill. It was impossible, however, to discuss the question unless it was known whether the statements in the newspapers, to which he had referred were correct. [The CHANCELLOR of the EXCHEQUER: They are correct.] In that case the railway interest had great reason to complain. Justice required that, as the duty upon horses and carriages had been reduced, the 5 per cent. duty upon railways should also be reduced, and he trusted that next year some reduction would be effected.

MR. BOWRING said, he wished to thank the Chancellor of the Exchequer for the concession which the 5th clause of this Bill contained in favour of a poor, but, he believed, industrious and honest class of the community—he referred to the families of the fishermen of the port of Brixham, in Devonshire, and other places similarly situated. Owing to the peculiarity of the fishing trade, and the uncertainty as to the exact time when the fishing vessels would return from their voyages, it was necessary to take steps for the sale of the fish immediately after its landing, in order that it might be despatched to London and other markets by the first departing train; and, in practice, it was found that this could only be done by selling it to the highest bidder, in other words, by auction; and it was held by the officers of Inland Revenue that this rendered the vendors liable to pay duty as auctioneers. The consequence was, that these poor women—for the sales were generally conducted by women who sold the fish which, probably, their own husbands or apprentices had caught—whose total income did not amount to more than £30 or, at the outside, £40 a year, were actually compelled to pay £10 a year as auction duty, being the same sum as that paid by the greatest auctioneers in the country, through whose hands property to the value of millions passed every year. When he (Mr. Bowring) found that there was no doubt that this duty was legally levied, which he hoped had not been the case, he also found that great practical difficulties existed in the way of giving the desired relief from duty, although the hardship of the case was readily admitted by the Government. He therefore rejoiced to find that the Chancellor of the Exchequer, had at length, seen his way to overcome those difficulties; and, on behalf of those poor persons, into whose humble homes the provisions of this clause would carry comfort and happiness, he begged to tender to his right hon. Friend his warmest thanks.

MR. BARNETT said, he wished to ask the Chancellor of the Exchequer, whether he had received any communication from the police authorities with respect to the probable effect of the repeal of the hawkers' licences upon crime in this country? The chief constable of the county with which he was connected expressed great alarm at the proposed abolition of hawkers' licences.

MR. CRAWFORD said, he would postpone his observations upon the question of the drawback upon sugar until the Motion came on for going into Committee upon the Bill. He wished, however, to ask the Chancellor of the Exchequer, why it was still necessary that the duty upon tea should remain an annual duty?

MR. HERMON said, he thought it very hard that employers were now to be called on to return the amount they paid to those in their employ. Hitherto they had only been called on to furnish a list of persons receiving more than £100 a year; and then the recipients made their own returns. He was sorry that the Chancellor of the Exchequer had not been able to see his way to make a distinction between income derived from property and income derived from professional skill or industry. Physicians, clerks, and others, whose incomes ceased on death or illness, were placed in a more critical position than those incomes which were derivable from property. He trusted that the duty of 6*d*. a pound on tea would be permanent; for any further reduction would only stimulate the production of a spurious article, and put money in the pocket of the Chinaman.

MR. ALDERMAN W. LAWRENCE said, he was pleased that the Chancellor of the Exchequer had withdrawn the proposition for taxing the carriage of goods on railways. That was the first attempt to place a tax on goods carried by sea or land, and he hoped it would never be introduced again. With respect to the tax on railways, he would like to see it swept away altogether. It was not, however, a tax on railway proprietors, because the companies recouped themselves by making an addition to their maximum fares; and if the tax were taken off, the railways would have to reduce their fares by the extent of the tax. Licences on trades had been taken off, except with regard to the manufacture of soap and paper, and these the Chancellor of the Exchequer proposed to remit. He did not see why the same course should not be taken with regard to auctioneers. There was no reason why the licence duty on auctioneers should not be abolished. As to the proposed introduction into the Bill of further inquisitive regulations with respect to the income tax, he agreed with the remarks of the hon. Member for Preston (Mr. Hermon). He was disappointed that the Chancellor of the Exchequer had not sought to remedy some of the defects which prevailed in respect of the duties on inhabited houses; and he gave the right hon. Gentleman notice that in Committee he would move to introduce a clause to this effect—

> "That houses let out in tenements or separate holdings, where the rent on each separate tenement or holding does not exceed 7*s*. 8*d*. per week, or £20 per annum, shall be exempt from house duty."

MR. LIDDELL said, he wished to add a very strong remonstrance to those already addressed to the right hon. Gentleman (the Chancellor of the Exchequer) against the proposed abolition of hawkers' licences. It was a very painful task to cast reflections upon any trade, more especially one which was carried on by persons in a humble station of life; and, indeed, it was not his intention to do so on the present occasion. Still great apprehension was felt in the

North of England and on the Borders in consequence of the intended repeal of the hawkers' licence, because it was anticipated that great encouragement would be thereby given to vagrants to go about the country and rob people, under the pretence that they were hawkers. He wished, in particular, to ask the Chancellor of the Exchequer to give the House some information as to any Reports he might have received from the chief constables of the Northern counties, to whom, he understood, inquiries had been addressed on this subject.

Mr. WREN-HOSKYNS said, he desired to urge a plea on behalf of coffee, which was of more importance than tea in point of nutritive value, and in the property of being able to retain warmth in the bodies of persons exposed to cold and fatigue. The duty was at present 3*d.* per lb, which was a very large proportion of the actual cost, the real value of a pound being not more than 10*d.* or 1*s.* The quantity of coffee imported was 31,560,000lbs in 1867; 30,608,000lbs in 1868; and 29,109,000lbs in 1869. The duty was, therefore, becoming "small by degrees and beautifully less," a proof that the duty was too high.

Mr. M'MAHON said, he trusted the Chancellor of the Exchequer would consider the desirability of reducing the Excise duty on home-made sugar. In France about 300,000,000 tons of sugar were manufactured in the year 1868; whereas Ireland consumed only about 30,000 tons annually. Beet root might be successfully cultivated in Ireland, and manufactured into sugar, if there were no Excise duty.

Mr. RYLANDS said, he deeply regretted that the Chancellor of the Exchequer had been unable to remove the differential duties upon sugar, as they entailed a large amount of unnecessary labour in our Custom Houses, and led to a lower description of sugar being imported than would otherwise be the case. While admitting that the country would gratefully accept the proposed large reduction of the sugar duties, he must take exception to some of the remarks made by the right hon. Gentleman in introducing the Budget. The right hon. Gentleman said that there was no reason why there should be further agitation for the further reduction of the duties; but he must enter his humble protest against such a doctrine. We ought not to refuse to contemplate the possibility of doing away at an early period with all import duties on this important article of consumption. The right hon. Gentleman thought we should retain our hold on this means of taxation, in order that we might raise additional revenue in the event of a war; and, he added, that by some drunken freak, a few extra glasses of wine, or some other accident, this country might be involved in war. In the first place, no drunken freak on the part of a diplomatist could get this country into war as long as prudence reigned in our councils at home; and, instead of rendering it easy to raise money in the event of a war, we ought to make it difficult to raise money, and thus endeavour to prevent the Government from going to war.

Mr. M'LAREN said, he was sorry to find such a demonstration against the poor hawkers. The people of his own country seemed to have taken alarm lest multitudes of hawkers should be let loose upon them. He believed there never was a more complete delusion, and that there never was a more cruel and unjust tax than the licence tax now chargeable upon hawkers. There were thousands of honest industrious people who earned a very small living in that way, and who should not be confounded with vagrants or any criminal class. When they considered that the person who went about hawking books, pamphlets, or any articles of that kind, had to pay £2 perhaps out of an income of £30 a year, it would be seen that this tax was most cruel in its operation. A large trade had sprung up latterly in connection with religious tract societies and book societies all over the country. He knew a society which employed about 50 of these licensed hawkers to sell Bibles and religious tracts, and all kinds of books having a good moral tendency; and for each of these they had to pay £2 of licence duty. He agreed that it would be very advantageous that there should be a register of these persons, by way of check; but he repeated it was a very hard and unjust thing to tax in this way industrious but very poor people. Therefore, he thanked the Chancellor of the Exchequer with his whole heart for the relief he had given these poor persons.

Mr. GRIEVE said, he took a view diametrically opposite to the hon. Member for Warrington (Mr. Rylands) in regard to a uniform duty on sugar. The town he had the honour to represent (Greenock) imported and refined one-fourth of the whole imports of the United Kingdom; and he was bound to say importers, merchants, and refiners were satisfied with the scale now in operation, and to impose a uniform duty would be a gross injustice, for it was well known some qualities of sugar were not more than about one-third of others in value. He therefore hoped the right hon. Gentleman would preserve the scale. He took the opportunity of thanking the right hon. Gentleman for his declaration in introducing his Resolutions, that he did not wish to hold out that he proposed to go on dealing with the sugar duties from year to year. That was important, as it was well known the dread of such interference had the effect of unsettling business in that article for months.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped the House would excuse him if, taking into account the amount of business which was to be got through that evening, he replied very briefly to the various observations which had been made in the course of the discussion. He would remind the hon. Member for Warrington (Mr. Rylands) that in proportion as we made it difficult for ourselves to go to war we made it easy for others to go to war with us, and that, therefore, the best way to avoid war was to be prepared for it. With respect to what had been said on the subject of sugar, he must protest against the use of the term "differential" duties as applied to the present duties on that commodity. What he understood by a differential duty was a duty, differing in amount, imposed on goods of the same quality, according to the place from which they came or were manufactured. Now, the duty on sugar was a duty of varying amount imposed upon goods of different quality—that was to say, according to the saccharine principle which they contained, and had nothing in common with differential duties properly so-called. He adhered to the opinion that it was not desirable to propose—nor did he contemplate proposing at an early date—the further reduction of the sugar duties. He, at least, should not recommend the adoption of such a course, and he might say the same thing with regard to tea. As to what had been said about horses, he would merely observe that, as notice of an Amendment had been given on the subject, he would reserve the observations which he had to make upon it until the Amendment came on for discussion. At present he would merely say that, according to his view, it was not in his power to remit the duty in those cases in which persons received money for the use of their horses. As to railways, as the portion of the Bill which related to them was to be omitted, it was not necessary that he should say anything with respect to them, beyond remarking that he did not think he was open to any grave censure for not having made an announcement to the House on the subject before, inasmuch as he had no opportunity of doing so, unless some hon. Member had thought fit to put a Question to him, when, of course, he should have been glad to have given him an answer. He was asked, he might add, whether he would not take into consideration the case of Schedule D with reference to the income tax, and his reply was that he had considered it, as might be found by reference to the Report of Mr. Hubbard's Committee in 1860, in connection with which there was a draft Report, in which he had given at great length the reasons why he thought there should be no difference in the rate of charge under Schedule D and other Schedules of the income tax. As to calling upon employers to give an account of the incomes which they gave those in their employment, the reason for doing so was obvious; for there were a great many persons who received over £100 a year in the shape of salary who escaped the income tax altogether. It was but just to those in a similar position who did pay that such persons should not escape; and it was thought that the readiest way of reaching them, following the analogy of Schedule B, was to request employers to advance the tax, and afterwards to recoup themselves out of the salaries which they paid. That was, in the case of large establishments, obviously an easy and simple method of collecting the tax; and he thought hon. Gentlemen should not grudge the Revenue Department the relief they would derive from that arrangement. With regard to beet-root, he could not assent to a proposal which would be to establish in its favour a protective duty on foreign sugar. He came now to the last topic to which he need advert, that of the hawkers. A noble Lord had written a letter to the newspapers, in which he stated that he (the Chancellor of the Exchequer) was not competent to give an opinion as to the morals of that class of men. Now, they might be guilty of many offences and irregularities—upon that point he left it to those who were better informed on the subject than himself to decide — but even if that were proved to be the case, all that would have been done would be to make out a case for strong police regulations and not for taxation. Hawkers were the poorest class of tradesmen in the country; they dealt with the very poorest customers; and they, therefore, in his opinion, formed bad subjects for the imposition of a tax, because the effect of taxing them must be to limit competition, and raise the price of the commodities in which they dealt to the poor, who were their customers. Considering how many large branches of industry escaped taxation altogether, it would be a great anomaly and injustice, he thought, to pick out the poorest for its imposition. He was, at the same time, prepared to admit that he had seen several letters from chief constables of counties expressing great dislike of the proposal with respect to hawkers, and speaking of them in terms of strong disapprobation. Now, he attached great weight to the opinions of chief constables as far as the character of those persons was concerned, but they were not authorities on which he was disposed to place equal reliance as to the question of taxation. He had, he might add, been in communication with his right hon. Friend the Secretary of State for the Home Department, who, at his request, had been good enough to look into the subject, and who had undertaken to submit to the House a measure which would put, he thought, a far more efficient check on the abuses complained of than any tax which he could impose. What his right hon. Friend proposed to do was, in general terms, that every hawker should be required to have a licence, which should be given by the chief constable of the county, and not at all, as a matter of course, and for which a small nominal sum should be paid. The licence, he might add, would be given only in those cases in which the person asking for it was known to be of good character. It was also proposed that it should be annual, and revocable on conviction for a certain class of offences. A register of hawkers would also be kept. That, he thought, would be a more effectual method of dealing with those men than screwing out of their small gains an unjust tax. He was happy to find that no more serious objection had been raised to the Bill. The question of coffee was under consideration.

Mr. MAGNIAC said, that as an employer, he should be very unwilling to collect the income tax from those in his service. He wished for some explanation on the subject.

Mr. DODSON said, he was glad to hear the observations made by the right hon. Gentleman (the Chancellor of the Exchequer) with respect to the registration of hawkers. He regretted that he was not prepared to exempt owners of agricultural horses who received remuneration for the services of those horses from duty. Now he (Mr. Dodson) would suggest whether the right hon. Gentleman might not abolish the duty on horses kept for agriculture or trade, and levy a duty only on horses kept for enjoyment or luxury. It might be well to go further and abolish the duty on all horses, and, if necessary, increase the duty on carriages. Neither steam power, air power, or water power were taxed, and he had never heard any justification for taxing animal motive power.

Mr. Alderman LUSK said, he believed that, as a whole, the Budget was a good one.

Sir JAMES ELPHINSTONE said, he wished to call the attention of the Chancellor of the Exchequer to the great inconvenience that was felt in Scotland, in consequence of farmers not being allowed to give the use of their carts for carrying materials for repairing roads without being charged duty on their horses. This inconvenience was the more felt since the tolls were taken off and the assessment for maintaining the roads was thrown entirely on the land.

Mr. STANSFELD said, in reply to the question asked by the hon. Member (Mr. Magniac), he had to explain that the income tax on the salaries of *employés* would be paid only by public companies; private employers would furnish a list of the persons employed by them and the amount of the salary paid to each.

Bill read a second time, and *committed* for *Thursday*, 9th June.

STAMP DUTIES BILL—[BILL 130.]

SECOND READING.

Order for Second Reading read.

MR. HUNT said, that this was a Consolidation Bill; but he understood from the Chancellor of the Exchequer on a former occasion that certain changes were to be made. Would it not be well, then, that some Paper should be laid on the Table which would point out which of the provisions were new?

MR. CRAWFORD said, that one way in which the changes would be introduced would be through the definitions of the Bill.

MR. BOURKE said, that some of the proposed alterations deserved discussion. There was no branch of our law that needed alteration more than that which related to stamps. There was one clause in the Bill by which anybody who had got a paper or document in his custody, which he declined to allow a person appointed by the Commissioners to inspect, would be liable to a fine of £50. That was one of the alterations, and would need consideration. He regretted that this Bill contained no repeal of the old Acts; and the result would be that if this Bill became law, all the old Acts would still remain on the Statute Book, which would produce a great deal of litigation.

MR. MAGNIAC said, that the definition of a bill of exchange had been largely extended in the clauses of the Bill; this was probably intended to check evasion of the duty, but it might be a question whether the matter had not been overdone.

MR. G. B. GREGORY said, he hoped that ample time would be allowed for the consideration of a measure which affected so many persons.

MR. MUNTZ said, he regretted that the right hon. Gentleman (the Chancellor of the Exchequer), in bringing forward this consolidation Bill, should have altogether ignored the strong desire of the commercial classes to have adhesive stamps made permissive on bills of exchange. Extreme inconvenience was felt from the present state of the law, from the North to the South of the island. When he brought the subject forward last year the objection was, that if adhesive stamps were used, the cancelling might be removed by chemical agents. But he maintained that it would be extremely difficult to do so without obliterating the bill itself; and it was not likely that a man would risk the value of his vouchers for the sake of the small sum to be gained by the practice. Adhesive stamps were in use in France, Belgium, the North German Confederation, and various other parts of the commercial world, and he did not see why we should be denied the use of them in England.

MR. W. FOWLER said, he could confirm the remarks of the hon. Gentleman who had just sat down. Few persons received more bills of exchange than he did, and he could not see why an adhesive stamp was so dangerous on an English bill of exchange, while it was so useful where foreign bills of exchange were concerned.

SIR JOHN LUBBOCK said, he wished to direct the attention of the Chancellor of the Exchequer to the inconvenience resulting from the law in dealings with regard to cheques. It appeared rather hard that a banker should be required to put an *ad valorem* stamp on a cheque which he might not have known would go abroad.

MR. ALDERMAN LUSK said, that it was a mistake altogether to impose a penny stamp on cheques; and the burden fell very heavily on London, while in Liverpool, Glasgow and other great commercial towns they did not employ half so much as they did in the South. Again, for every delivery order they gave, however small, they had to use a penny stamp. That was not just towards those who lived by buying and selling; and he thought that fair play should be given to traders as well as to those engaged in other occupations.

THE CHANCELLOR OF THE EXCHEQUER said, he would be happy to accede to the suggestion of the right hon. Gentleman opposite (Mr. Hunt), and endeavour to point out the principle of the proposed arrangement; but he was afraid it would be impossible in a matter of that kind to give in any Paper a complete enumeration of the changes to be made in the effort to consolidate the law. Of course, there would have to be brought in another Bill, which was already drawn, that would repeal the present statutes as soon as this Bill was passed. If this Bill was to become law this Session, or in any Session, they would have to draw largely on the confidence and the indulgence of the House, because the task was most Herculean. The immense quantity of matter to be fused together in order to bring it within the compass of an Act of Parliament had necessitated the re-writing of a great deal; and it was almost impossible to re-write such a number of clauses without making more or less variation in them. He looked on this Bill not as a settlement but only as a beginning—as only laying the foundation of future labours in that field; and once they had got the old Stamp Law within the compass of a single Act, they would then be able to direct their attention to the great amount of amendment and of simplification of which the subject was capable. If the speech of the hon. Member for Finsbury (Mr. Alderman Lusk) was to be taken as a sample of the manner in which the Bill was to be discussed, it would be absolutely impossible to pass the measure, which ranged over so wide a field. The only way in which the Bill could be carried would be if hon. Gentlemen would refrain from asserting and arguing their individual views as to particular taxes, and would accept the measure as in the main what it was intended to be—namely, a Consolidation Bill, and would remember that, when it had passed, they would have the best opportunity of working out the reforms that were desirable in the Stamp Law—a task with which it was almost hopeless to deal while that law remained the maze it was. He would promise that the House should have ample time to consider the Bill before it was asked to go into Committee upon it. He would respectfully suggest that those hon. Gentlemen who might feel it their duty to move Amendments in the Bill should, as much as possible, limit their Amendments to making the measure that which it professed to be—namely, a faithful reflex of the law as it stood at present, and not attempt on this occasion to raise questions of the substantive amendment of that law. Any Amendments or suggestions which hon. Gentlemen could make tending in the limited direction he had described would be most valuable; and he hoped that those who might wish to propose them would be kind enough to put them on the Notice Paper in good time. They would be most carefully considered, and he should be happy to confer in private with hon. Gentlemen on the subject with

a view to save the valuable time of the House, and also, if possible, to settle questions that were inherently very nice and abstruse.

Bill read a second time, and *committed* for *Thursday* 16th June.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

PARLIAMENT—EXCLUSION OF THE REPORTERS.—OBSERVATIONS.

MR. HENLEY said: Sir, in calling the attention of the House to the subject of which I have given Notice—

> "To call the attention of the House to the rule or practice of ordering strangers to withdraw, and the effect thereof,"

I have, in the first instance, to state that I am quite aware of the regularity of the proceeding to which my Notice more particularly refers, and I do not in any way question either the power or the discretion of the hon. Gentleman (Mr. Craufurd) who thought fit to put the Order of the House in force. What I wish to do is to call the attention of the House to the gravity and extent of the subject which was then prevented from being discussed in public, and to the interest which the public had and take in that subject. Now, Sir, up to the 23rd instant, which was the date of the last Return, the Petitions presented to this House on that subject had more than 330,000 signatures attached to them; from 70 to 80 public meetings had been held on the matter; and I believe that, with the exception of the Education question, there was no other on which during the present Session so large a number of people had manifested an interest. Some 20 years back, strangers having been ordered to withdraw on one occasion, a Committee was appointed, of which I had the honour to be a Member. No evidence was taken on the point; but, as far as I recollect, it appeared that, on all occasions when this Order had been enforced, the matter was more or less of a personal nature. No discussion on a matter of great public interest had been kept back from the public by means of the exclusion of strangers. But what was the question discussed the other night with closed doors? The delicacy or indelicacy of a subject, whatever it may be, is in the subject itself. The subject may be discussed in such a manner as not to offend the most delicate ear. And if we want an illustration of the matter, what happened? On that very night, when strangers were excluded from the House, some speeches were made on the same subject in the other House of Parliament. What is more, the next day what is called the leading journal had a leading article of nearly two columns on that subject, and also a garbled account of the debate which was held in this House. On a matter which excited such curiosity, he thought it was far better to have had what was said accurately reported, than that a mystery should be thrown over it by any attempted secresy. Now, the question itself is not whether more or less ailment affects our soldiers and sailors, or whether the means for curing it about to be devised are the best means. The matter which the public takes so great an interest in is this—whether the moral question is to be subordinate to the sanitary one. That is a matter on which the public have a right to know the opinion of their representatives. It is one of the largest questions we have been called upon to discuss. The treatment of the persons subjected to this legislation is also a question on which the people have a right to know the opinion of their representatives. They have a right to know whether their representatives consider it proper that women who wear stuff gowns should be subjected to treatment which women who wear silk gowns are not to be subjected. They have a right to know whether their representatives think the moral ought to be subordinate to the sanitary consideration, and whether they think this treatment ought not to be extended to men as well as to women. They have a right to know whether their representatives hold that, in subjecting a certain class of women to this treatment, if mistakes be made—and evidence shows you that mistakes have been made—those mistakes must be confined to women of a poor class, and the injury must not be inflicted on a higher grade who can wear silk. Those reflections have occurred to my mind, and, curiously enough, if I wanted any confirmation of the belief I had formed, it would have been furnished by something that has occurred within the last few days. The circumstance to which I allude shows the wisdom of discussing those matters in public. What was called a sanitary meeting was held a few days ago at Manchester. The Bishop of that diocese took part in the proceedings. It is impossible for me to say what sex was there under the shelter of the lawn sleeves. A report, published in *The Times* of the 26th of May, gave these remarks of the Bishop with reference to the objections against the legal measures—

> "That they tended to propagate moral evil by making prostitution safe; that women were subjected to treatment at the hands of the officials to which no woman should be subjected. If that complaint were true, it certainly demanded attention; but neither of these matters had anything to do with the sanitary or medical element in this question; they ought to be discussed on different grounds, and if there were moral evils or social evils, surely legislation could remove them."

From that extract it would almost seem that, in the opinion of the speaker, the moral evil of the treatment of women ought to be postponed to another season; but if an extract which appeared in *The Globe* be correct, that would be a misapprehension of the speaker's meaning. It was in these terms—

> "He thought the sanitary question should be kept separate from the moral question, and that the moral question should be dealt with by its own proper remedies."

If those be the opinions of the Bishop upon the subject, it would almost appear as though he did not comprehend the view taken by other people, that that very mode of treating the sanitary question was in itself a moral evil. I think it would be impossible to find a stronger confirmation of the necessity of accurate reports than those two versions of the Bishop's speech to which I have referred. It is not for me, nor do I presume, to offer any opinion to this House as to what is the proper course for it to adopt in reference to this question; but, before I go further, I ought to say that we were prevented by the same means from offering an opinion to the Government upon the subject, and from pointing out to them how unsatisfactory any inquiry by a Commission must be to meet the evils felt to be attendant upon this species of legislation. There must, of course, be a difference of opinion upon the subject; but it is felt by many people that such legislation is a great evil in itself.

It is copied from our neighbours the French, who have derived no good from it. The Committees which have sat, with the view of ascertaining whether the operation of these Acts ought to be extended more widely, have not in any way met the question, which is not whether a few persons more or less shall be saved from the inconvenience to which they are subjected to under these Acts. What the public take an interest in is what they believe to be the immoral tendency of the legislation, and I should not be candid to the right hon. Gentleman opposite (Mr. Gladstone) if I did not say that I do not believe that any Committee will decide that question, which is too wide to be dealt with in such a manner. [" Order!"]

Mr. SPEAKER: I feel bound to point out to the right hon. Gentleman that the Notice which he has given is, that he intends to call the attention of the House to the rule or practice of ordering strangers to withdraw, and the effects thereof. Now, it is perfectly competent to the right hon. Gentleman to point out that he thinks the subject on which the right of excluding strangers was exercised a very important one; but I think he is not in Order in entering into the details of that subject.

Mr. HENLEY: I shall, of course, at once bow, Sir, to your decision; but I beg leave to explain that I was about to show that I conceived the exclusion of strangers on the occasion to which I have referred would prevent our constituents from knowing the opinions which we, their representatives, had formed upon what the intentions of the Government upon this subject had been stated to be. I hope that such a topic comes within the terms of my Notice, because I believe that it would be a great inconvenience to the public not to know the opinion of their Members upon such grave and serious matters. I have no intention of suggesting to this House what they ought to do in the matter; but I thought it to be my duty to call the attention of the Government to the subject, because there is a strong feeling in the country that the exclusion of strangers was the doing of the Government. I myself have no reason to believe such to be the case; but it would not be right for me not to say that that belief is entertained by a considerable number of the public. In consequence of the enforcement of that Order the public had no opportunity of knowing what they would otherwise have known, that the offer made by the Government to refer the subject to a Commission had been declined by the hon. Member who had charge of the Motion. Therefore, although I feel sure that the Government had not anything to do with the matter, I thought it well to give the Notice that stands upon the Paper in my name, in order to give them an opportunity of disclaiming any wish on their part to shut out a fair discussion upon this matter of the gravest interest. I also thought it proper to call the attention of the Government to the question of what is the proper course to be pursued, for this reason—there are other matters of the greatest public importance coming forward, and many people think that when certain of those subjects come before the House, on the same principle as the matter under discussion the other night, involving as they believe a proof that the tree of knowledge is going to be put uppermost, and that the tree of life is about to be put downwards—other hon. Members may exercise the power that is in their hands of closing up discussion upon these matters by excluding strangers from the House during the debates upon them. I should be very sorry to be driven to exercise that power with the view of forcing the House to consider the matter; and, therefore, I have adopted this course in order to direct attention to the subject. I should have regretted had I been obliged, in order to compel the House to look into the matter, to have gone on moving that strangers should be excluded until I became a nuisance. [*A laugh.*] The right hon. Gentleman opposite smiles at that. Perhaps he rather doubts whether such conduct would have rendered me a nuisance, because we should, under such circumstances, get through our business much quicker than we do at present. But what I mean to represent is that publicity is worth everything in the world, and I cannot conceive that any subject cannot be discussed in this House in such a manner as not to shock even the most delicate minds. I believe that there is ten thousand times more evil in attempting to carry on discussions of this character in secret than in public, and I hope and trust that we have not become so corrupt that we cannot bear to look in the face or name the vices around us. That is a state of things that has been described as the greatest curse that can befall a country, and I hope that we have not yet arrived at it. I ask for no opinion at present from the Government upon the matter, and I merely express a hope that they will consider the subject during the Recess.

Mr. GLADSTONE: Sir, it is not my intention to offer any remarks upon the subject that was under discussion the other night when the hon. Member for the Ayr Burghs (Mr. Craufurd) exercised the power—for I cannot call it the privilege—of calling the attention of the House to the fact that strangers were present, and thereby brought about their exclusion. I agree, however, with the right hon. Gentleman opposite that the occasion for the exercise of that power was inopportune, and that the subject in question was one with respect to which, notwithstanding its peculiar nature, the lesser evil was that it should have been discussed in public, than that our constituencies and the public at large should remain ignorant of the opinions existing in this House with reference to it. At the same time, the question is not whether in the mind of the right hon. Gentleman (Mr. Henley), in my mind, or in the mind of the majority of the House the power so exercised was happily, or unhappily, used upon that special occasion; but whether it was such an exercise of that power as to make it good policy for the House to reconsider its rules, under which its individual Members possess the power of excluding strangers. I wish, however, to point out that, although the opinion of the majority of the hon. Members present at the time was unfavourable to the course taken by the hon. Member for the Ayr Burghs, yet, as far as I can learn, the opinion out-of-doors on the subject appears to be very much divided. It cannot, therefore, be said that the conduct of the hon. Member on the occasion referred to has met with universal or even general disapprobation. I feel the more called upon to make these remarks, because I happen to differ from the hon. Member upon the expediency of the course he adopted. There is, therefore, nothing of a startling nature in the particular exercise of this power to distinguish it from any other case in which it has been used, although I quite agree with the right hon. Gentleman that it has had the effect of keeping an important subject from the knowledge of the country. I will for a moment go back to the Committee of which the right hon. Gentleman was a Member, and which, if he had not been afraid of seeming to be guilty of self-praise, he might have said was a Committee of very great weight. The Committee was appointed on the 15th of June, 1849. It was presided over by Sir James Graham, and amongst its Members were Mr. Disraeli, Mr. Goulburn, Sir John Cam Hobhouse, Mr. Hume, and Mr. John O'Connell. Mr. John O'Connell was the Member who had exercised the power of excluding strangers; he was a man of experience, and all the other Members of the Committee were of great weight and consideration in the House. On the 21st, a further addition was made to that Committee, consisting of Sir Robert Peel, the Lord Advocate of that day, Mr. George Hamilton, Mr. Brotherton, Mr. Green, the Chairman of Committees, and lastly, whom I should, perhaps, have mentioned first, the name of yourself, Sir, the present Speaker. Here are 15 Gentlemen, including no Minister except Sir John Hobhouse, who was in Lord John Russell's Cabinet, a Committee of remarkable weight and judgment, who resolved:—

> "That the existing usage of excluding strangers upon the Motion by an individual Member that strangers were present, has prevailed from a very early period of Parliamentary history, that the instances in which the power has been exercised have been very rare, and that it is the unanimous opinion of your Committee that there is not sufficient ground for making an alteration in the existing practice with regard to the admission or exclusion of strangers."

This unanimous Resolution is an important fact in the consideration of this question; at any rate, it is a fact which weighs with the Government in considering whether it is their duty to propose any alteration in the matter. In the particular case we have in mind the discretion was exercised in a manner on which opinion is much divided; I have, therefore, no proposal to make for the alteration of the practice on the responsibility of the Government; at the same time, if the House should think the opinion prevails extensively in the House that the time has come when its practice should be altered, the safe course will be to do that which was done in 1849, and appoint a Committee carefully composed and representing, as far as possible, the weightiest judgments of the House, to go impartially into the matter. There is no doubt that in former times this power of exclusion was abused, and abused by the majority of the House. There is no doubt, also, I presume, that in later times the power has been clung to, even after any great practical necessity for its continuance, or at least for its daily use, had disappeared. It has been clung to from the idea, not altogether unjust, that there may be circumstances in which the free exercise of that power may be connected with the perfect freedom of opinion and its expression in debate—a privilege as valuable as the practice of publicity. That is a matter which ought to be taken into consideration; but upon which it is not necessary for me to come to a decided opinion at present, because we are, I believe, quite agreed that if the practice is to be disturbed, the resolution to disturb it should grow out of the deliberations of a Committee rather than out of the opinion and initiative of the Government. We do not see sufficient grounds for recommending the appointment of that Committee; but such a measure would be entirely unexceptionable if the opinion of the House warranted it.

Sir JOHN HAY said, he wished to throw out for the consideration of the Government, whether it would not be possible to give the intending occupants of the Ladies' Gallery upon any particular evening notice that the House proposed to discuss matters which they would prefer not to hear discussed. He believed those who approved the exclusion of strangers on the occasion referred to were of opinion that the presence of ladies in their Gallery would interfere with free discussion. Perhaps the matter could be arranged by the Serjeant-at-Arms, so that the Press would have an opportunity of being present at a discussion with which it was well the public should be made acquainted.

Mr. CRAUFURD said, it was unnecessary, after what had fallen from the First Lord of the Treasury, that he should say a word in justification of the course he had pursued, and he was quite content to leave the matter to public opinion. He would not have risen but for the observations of the last speaker, which seemed to be based on a misapprehension similar to that which had become current through some portion of the Press. It had been said that his sole object in excluding strangers from the House on the occasion referred to was to clear the Ladies' Gallery; in justice to those for whom that Gallery was set apart, he disclaimed any such motive. The ladies of England required no such notice to withdraw from a debate which would be disagreeable to them. He had taken the trouble to make inquiry, and every one of the ladies in the Gallery on that evening, with the exception of two, rose to leave immediately after the Division which preceded the Motion of the hon. Member for Cambridge (Mr. W. Fowler). His object was to secure that the debate should not be reported. A feeling of disgust had been expressed by correspondents in the newspapers with regard to what had already been published in the public Press, with reference to a notorious case that was just now creating great excitement, and he conceived it to be the duty of any hon. Member who felt as strongly as he did, to avail himself of the privileges of the House to prevent their breakfast tables being flooded with authoritative reports of details utterly unfit for modest eyes. He thought it due to the ladies of England to state thus much.

Mr. W. FOWLER said, he must repeat that he found a difficulty in drawing a distinction between reports which were constantly appearing in the newspapers of details far more disgusting than anything which had fallen from his lips on the occasion referred to, and the discussion of an abstract question like that which he had introduced the other day. If any distinction could be drawn it must be in favour of the debate the other evening, as compared with the publication of the actual proceedings of individual men far more disgusting and far more corrupting than anything which occurred in the course of the debate on his Motion. On that occasion the House was discussing an important social question upon which the public had a right to know their opinions; and he had not heard a word this evening to show him why an individual Member should be intrusted with the monstrous power of ordering the public to withdraw. They had been told that freedom of debate was involved in the question; if so, let it be in the power of the House to order strangers to withdraw. It might have been expedient in times when the personal safety of Members was at stake that such a power should reside in the hands of an individual Member; but these were happier times. The House had heard the conclusion arrived at by the Committee in 1849; but it was not in possession of the reasons which induced the conclusion. He still believed the course pursued by the hon. Member was exceedingly improper. [*Cries of* "No!"] At all events, it was not well-advised. He regretted it very much, and he thought a Committee ought to be appointed to see whether there was not now good reason for altering the rule.

Mr. DALGLISH said, he thought the Order for excluding strangers should be so framed as not to include the Press. He thought the House might safely leave it to the good sense of the reporters in reporting such debates not to report anything offensive to the general public.

Motion, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—NAVY ESTIMATES.

Supply—*considered* in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £159,368, be granted to Her Majesty, to defray the Expense of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March 1871."

Sir JOHN HAY rose, not to propose any further reduction of the Vote, but to call attention to the mode by which the reduction of £9,336 had been obtained. Last year the Vote for the Admiralty Office was £168,706, and in addition to the decrease of £9,336, there was a transference to four other Votes of the sum of £4,106, which made the total decrease £13,442. As against that, it would be found that there were pensions to the amount of £25,511, which had been granted on the reduction of the Office; those appearing in the Estimates amounted to £20,511; and pensions estimated to amount to about £5,000 had been granted since the Estimates were printed. The retirement of 10 officers had been announced in the newspapers; and, as they were mostly well-paid officers, an average of £500 a year was a low estimate. Deducting the decrease for which credit was claimed, £13,442, from the increased amount of the pensions, £25,511, the reduction appeared to involve a present additional cost to the country of about £12,000 a year. Perhaps the staff of the Office had not been reduced below the strength adequate to the work of a time of peace like the present; but, in case of emergency, as those on the pension list could not be brought back to the Office, the increase of the staff that would be necessary would be very likely to render the present reduction anything but economy, although it might in the end be economy, if the present peaceful state of affairs were maintained long enough, and no expansion of the Office were called for.

Mr. GOURLEY said, that if the Admiralty received £160,000 for the purposes of management, it ought to manage all the departments of the Navy with that sum; but, inasmuch as it appeared that part of the management of the Transport Service was let out to a private firm at a charge of £1,800, an outlay which the country ought to be saved, he should move the reduction of the Vote by that sum. Although it was said we had 390 ships in the Navy, when we deducted steam tenders, yachts, training-ships, and other vessels, which would be an encumbrance in case of war, we had but 131 vessels which could be of use, and of these only 40 were iron-clads; and the mere management of this number of ships cost us £3,000,000 per annum —a sum which might surely be reduced without impairing the efficiency of the Navy. Again, £1,800 was required for three Constructors in addition to the Chief Constructor; and considering that there were a number of draftsmen in the dockyards besides those in the London Office, and that we had but one, two, or three ships building at one time, he held that so many Constructors were unnecessary, and should, therefore, move the omission of the £1,800 required for their salaries. Coupling together the two items, he would move the reduction of the Vote by £3,600.

Motion made, and Question proposed,

"That a sum, not exceeding £155,768, be granted to Her Majesty, to defray the Expense of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March 1871."—(*Mr. Gourley.*)

Sir JAMES ELPHINSTONE said, it was notorious that the whole of the business connected with the Admiralty had been intrusted to the personal friends of either the First Lord or the Secretary of the Admiralty. The system was one which it was impossible sufficiently to deprecate. It led to jobbery of every description; and, at this moment, he believed greater jobbery was going on in the Admiralty Department than there had ever been at any former period in the history of this country. The matter of freight had been intrusted to a house with which the Secretary to the Admiralty was connected. They had repelled the accusation that they had received more than 1*s*. 3*d*. per ton; but there were such things as commissions. These commissions were an enormous price in time of peace, but a princely price in time of war. Boilers were taken out to Hong Kong at 15*s*. per ton, and there was a commission of 1*s*. 3*d*. on the freight. The same system of jobbery was running through every department of the British Navy. ["Oh, oh!"] Some hon. Gentlemen might have reasons for supporting the present system; but he denounced it as a fraud upon the public. Formerly, the plan was to go by open tender, and take the lowest offer for every description of stores required; but now a broker was employed who went into the market. The result of this was what *The Shipping Gazette* described the other day. Some freight was required for a ship bound to Bermuda. The ship captain went to his broker, who told him the price he could get was 13*s*. a ton. The captain declined to take it; but then came a gentleman on the part of the Admiralty, who said —"I will get you 26*s*. How much commission will you give me upon that?" He did not state that on his own authority, but on the authority of *The Shipping Gazette*. The evictions at the dockyards among the labourers and artizans had been of a more grievous nature than any evictions which had taken place in Ireland. The First Minister of the Crown said it might be written upon his tombstone that he had saved the country £2,000,000. But to effect this saving 5,000 homes had been desolated, and stores had been sold on such a scale that if a war arose the right hon. Gentleman and his Colleagues would be driven from Office, for they would be unable to refit the crippled ships that might come into port. These heartless evictions might have been prevented, even if the ships they intended to break up had been broken up by the Admiralty in their own yards, which might be done at a paying price. The reductions made at the Admiralty were made at the expense of the foreign squadrons and of the honour of the country; but there were hon. Gentlemen sitting on the other side of the House who did not care about the honour of the country. ["Order!"] The Vote now under discussion really raised the whole question at issue. The reduction of our foreign squadrons was a reduction of the power, the prestige, and the honour of England. What had been the effect of it? It appeared, from the discussion on what took place some time ago on the Chinese coast, that the origin of Lieutenant Gurdon's interference was the insult which had been received by a British subject, who had been robbed of a large amount of property.

Mr. CHAIRMAN said, he did not see how the question of the reduction of the foreign squadrons was involved in the present Vote.

Sir JAMES ELPHINSTONE said, the reduction of the foreign squadrons necessarily involved the reduction of the working power at the Admiralty, and the result was that our countrymen were in peril in every part of the globe. Look at the murders in Greece. He had the authority of Admiral Hobart for saying that, had not our squadron been withdrawn from Greek waters, these lives would not have been sacrificed; he believed this to be the fact. Friends of the Secretary to the Admiralty, or of the First Lord, were now employed to do what the Admiralty officers did before. Then the Estimates had been increased to pay a higher salary to the Chief Constructor of the Navy, and it was stated that Mr. Reed was also to receive a bonus of £5,000. This statement took him completely by surprise; for he had gone through the list of the Chief Constructor's ships with a distinguished naval officer, and all were failures, though in some respects the *Monarch* might be a success. Mr. Reed first of all constructed short vessels; but now his ships were only 50ft. shorter than the longest ever built in the service, and he had an enormously increased amount of power to force them through the water. Had he built ships which were a credit to the country, £5,000 would be a very small sum to grant him, and even £20,000 would not be too much. We had the *Monarch* and the *Captain*, and between the types of those two vessels would be the Navy of the future. Mr. Reed had educated himself at the cost of the country, which had spent a great deal more money upon him than it had in educating the Conservative party. The present Government talked about economy; but they drove from the country a set of unfortunate creatures, desolating their homes, and leaving their wives and children mourning. As the hon. Member for Carlow (Mr. Kavanagh) said to the First Minister of the Crown, the poor Irishman had nothing to look forward to but America or the workhouse. An elaborate Bill had been passed for the purpose of compelling landlords in Ireland to give seven years' rent to the tenants they ejected; but the unfortunate dockyard labourers who were driven from their employment got nothing but a passage to America in a transport. Yet the present was styled a Liberal Government, although it had reduced our dockyard establishments to such a point that they could not fit out two line-of-battle ships. For his own part, he should not vote for the reduction of any of the Votes, but would endeavour to make an increase in a great many of them.

MR. NORWOOD said, he thought the Committee ought not to discuss a question of this importance at the wrong time and in an irregular way.

MR. GOURLEY said, he was of opinion that the matter of the Transport Service might be better discussed on Vote 17, and he was willing to limit his proposed reduction to the demand for the Constructors of the Navy. It would, however, be for the Committee to decide on this point.

MR. M. CHAMBERS said, he was surprised at the irregularities of the Committee, which had rendered it necessary for him to see what was the Vote under discussion. He discovered that it was an extremely important one, and one, moreover, which would enable him to make certain remarks which might not be acceptable to the present, nor, indeed, to any Government. The Vote was headed as follows:—"Estimate of the sum which will be required in the year ending upon the 31st of March, 1871, to defray the expenses of the Admiralty Office, £159,368." Upon that Vote he desired to express his humble but strong sentiments with reference to the constitution of the Board of Admiralty. Over and over again he had said that that Board was wrongly constituted, and although, of course, he did not wish to charge his party and his Friends with anything improper, he must confess that, in his judgment, some of the officers on that Board were not required. He hoped he should not be personally offensive, for he would name no names. He first referred to the First Lord, who had a house and £4,500 a year. Well, he must assume that every First Lord deserved that. Then came the Senior Naval Lord with a house and £1,500, which was a very small sum for an able Naval Lord. For family as well as national reasons he was attached to the Royal Navy, and consequently expressed his opinion, perhaps, a little too strongly. The Third Lord and Controller received £1,500; the Junior Naval Lord £1,000, without a house; the Civil Lord the same. Then there was an allowance of £400 to the Third Lord and the Junior Naval Lord in lieu of a house. He had often been asked by persons out of that House—"What is the Board of Admiralty? How is it constituted? How much money do its members get out of the finances of the country? Are they overpaid or not, and what is their business?" To questions like these he confessed his inability to give a satisfactory reply, and he had never heard one given. For a long time, however, he and others had been of opinion that the Board was badly constituted. At the commencement of the Session his right hon. Friend who was at the head of the Board endeavoured to explain the position he occupied; but he did not quite understand his right hon. Friend's statement. He started by saying—and it must be acknowledged that he was most anxious to do his duty for the benefit of the Navy—that he was responsible for everything; but that there were officers who discharged their duties under him, but what those duties were, and how they were distributed, remained unexplained. Now, he ventured to say that the noble Lord (Viscount Milton) who was so dreadfully attacked in the newspapers a short time ago, in consequence of the course he pursued when a Question he put to the head of a Department was answered by a subordinate, was substantially in the right. Being connected, as he was, with a dockyard community (Devonport), and having formerly represented a borough in which there were two dockyards and one steam factory, he watched with the greatest anxiety the proceedings of the Board of Admiralty. He desired that it should be ascertained how the Board was constituted, and why there should be so many members of it—some of them naval officers and others civil functionaries. In his humble judgment there were too many officials at the Board of Admiralty. There was an excellent Secretary to the Board, who rose and answered Questions in the House, and there were several others besides. [*Cries of* "Move, move!"] His hon. Friends below the Gangway might cry out "Move"; but the time had not yet come to adopt that course. The Board of Admiralty had, in his opinion, been extremely rash, and their mismanagement of the dockyards in some matters was perfectly frightful. ["Oh, oh!"] You exclaim "Oh, oh!" I say the more you say it the better pleased I am, because I am satisfied that the men who now say "Oh" will, when they go home, say "Right, right." The present state of things in our dockyards was the result of the reckless economic spirit of the age. The Government said there must be a decrease of expenditure, and that the Army and Navy Estimates must be cut down. A number of men in our dockyards and steam factories were, in consequence of that policy, discharged. Some of those on the establishment in the dockyards were entitled to pensions; but they complained that they were suddenly discharged before their full period of service had expired, and thus the pensions awarded were inadequate. In the factory at Keyham the discharged men were not so entitled, and to them was given what was called a gratuity of £5, or £10, or £15. A great many useful men had in that way been discharged, who might easily have been retained for the benefit of the public service. The Admiralty had already been asked in that House why they did not break up in the public dockyards those ships which were useless, and thus afford employment for those poor unhappy and hard working artizans who were driven out of work? The Admiralty had never answered that question, although it had been shown that the course he advocated would be the most profitable one to pursue. Why, he was informed that breaking up these ships would give employment to those distressed men for two or three years. He also wished to ask why ships should be built by private contractors when the public dockyards were almost empty, and if he did not get a specific answer to that question he would move for a Return on the subject. Members of the Government might be received with cheers when they rose to reply to such questions; but a time might come when they would not have to support them so large a majority as they had at present. [*Laughter.*] Hon. Members below the Gangway, whose object appeared to be to disparage and destroy national establishments for the benefit of private contractors and speculators, might laugh, but he did not trust them; he never had trusted them, and never would. As to ships built by private contract, he had seen them stripped, and had seen the "dummies"—or short bolts—and knew all their other faults. It was well known that the precautions taken to secure sound materials and good workmanship were unavailing, and that all the vigilance of Government surveyors might be baffled. He supported the principle of maintaining public dockyards, and considered it would be an evil day when they were abolished, and the work which was now done in them given to private contractors.

Mr. SAMUDA said, he was of opinion that the concluding remarks of the hon. Member for Devonport (Mr. M. Chambers) should not have been made, as they referred to ships which were built 40 years since. As to the iron-clads which had been constructed of recent years, they were stated by those who preceded the present Board of Admiralty to be in every respect as perfect as any vessels that had ever been built in the public dockyards, and depreciatory statements should not be made by an hon. Member who had not the slightest knowledge of the subject. In reference to the Vote, he regretted that the office of Consulting Engineer had been abolished, for, having had an acquaintance for nearly 30 years with Mr. Murray, the gentleman who had occupied that post, he was convinced that the country did not possess a more faithful or more useful public servant. He desired to know what were the duties of the Professional Secretary to the Chief Constructor, an office of which he had not previously heard. If it meant a legal adviser for the purpose of drawing contracts, it was a work of supererogation, for there had been no contracts, as the Chief Constructor had issued no contracts since the present Government had been in Office. He (Mr. Samuda) also wished for some explanation as to why the sums received for turtle were not credited in the Estimates? Having lately visited a tavern in the City he found a place as large as that chamber filled with water tanks, and having about 200 turtle swimming in it. Having asked the landlord how he obtained such a large supply, he was informed that they were purchased on the arrival of Her Majesty's ships from abroad, and that the house had a regular contract with the Lords of the Admiralty. But there was no notice of any such receipts in the Estimates. Looking again at the figures of Admiralty office expenses, it would seem that the management expenses amounted to £160,000. A reference to another portion of the Estimates would show that the expenditure in the building of ships, materials, and wages was to amount to £726,000, so that the cost of management on this score was no less than 22 per cent. Hon. Gentlemen and right hon. Gentlemen on the Treasury Bench, who were never tired of making professions of economy, should remember that it had been shewn that the expenses of management ought not to exceed half that sum.

Mr. Alderman LUSK said, he would remind the hon. Gentleman who had just spoken that the expenses on account of management stood at £183,000 only two years ago. As one who had formerly found fault with this sum, he must express his satisfaction at witnessing its steady and gradual reduction.

Sir JOHN HAY said, he desired some explanation with reference to the assistance which the Vice Admiral and the Rear Admiral of England were expected to render to the Admiralty. Hitherto those posts, together with that of the Governor to the Greenwich Hospital, had been regarded as sinecures, and had been conferred as recognitions of merit upon officers of distinction. At the commencement of the year the post of Rear Admiral of England was conferred for distinguished services upon Sir William Hope Johnstone, and at the end of February, after having held the office six weeks, that gallant officer found that he was to be removed. Now, the office had never been in the gift of the Admiralty; it had been a patent office, and had been voided only by promotion to Admiral of the Fleet or by death. It was perfectly true that Sir William Hope Johnstone had suffered no pecuniary loss, because the amount of his salary had been made up to him in the shape of retired pay; but he had been deprived of a distinguished office, and could not help feeling that a slur had been cast upon him. He called on the First Lord of the Admiralty to protest; but he was informed that, in consequence of the new scheme of retirement, it had been thought right to deprive him of his post of honour and of his patent office. A correspondence, which the right hon. Gentleman (the First Lord of the Admiralty) would perhaps consent to lay upon the Table, had passed between him and the right hon. Gentleman, and in that correspondence, which related to a conversation between Sir William Hope Johnstone and the right hon. Gentleman, it appeared that the right hon. Gentleman had stated that these posts must be held by officers on the active list, because they might be called upon to perform duty in case any casualty occurred at the Admiralty. But if it was necessary that these posts should be filled by officers on the active list, in order that the vacancy might be supplied, in case the First Lord of the Admiralty were drowned, the Vice Admiral of England, who had not been superseded, was eight years older than Sir William Hope Johnstone. There was another matter, too, upon which the right hon. Gentleman ought to give some explanation. It would be in the recollection of the Committee that last year the noble Lord the Member for Chichester (Lord Henry Lennox) challenged the conduct of the Admiralty in reference to the discharge of Admiralty clerks. The right hon. Gentleman, in his reply, said—he was quoting from *Hansard*—

> "No clerks have been discharged against their will. In several cases there was hesitation and some correspondence; but ultimately I believe that in every case the retirement was voluntary under the terms approved by the Treasury."—[3 *Hansard*, cxcvii. 413.]

The right hon. Gentleman led the House to understand that such was the policy of the Admiralty. But, far from this being the case, compulsory retirements of a very grievous character had occurred; and to two of these he thought it right to call attention. The cases were those of Mr. Henry Dundas and Mr. James, two officers of great distinction, of whom the Admiralty determined to get rid, by hook or by crook. At the time that he himself was at the Admiralty no officers performed their duty better than those two gentlemen. Mr. Henry Dundas was the Private Secretary to Sir Alexander Milne, had been Private Secretary to Sir Frederick Grey, and from the time of his appointment had always held the highest character. Mr. James was an officer of even higher rank, at the head of the Gunnery department, and as he (Sir John Hay) had been superintendent of that special branch of Admiralty business, he was brought into frequent contact with Mr. James, and received from him the greatest assistance in carrying out the various and complicated duties of that department—assistance and good services which he was glad to have that opportunity of acknowledging. Mr. James, however, and Mr. Dundas were pitched upon and endeavoured to be got rid of, and, having first been pressed and cajoled to retire, were at last threatened if they refused to do so. They, however, had no wish to quit a service which they liked, and the duties of which they performed admirably; and building their hopes on the statement of the right hon. Gentleman in his place in Parliament that no clerks had been discharged against their will, they not unnaturally supposed that no clerks would be so dismissed. After several attempts to get rid of those gentlemen, who declined to go, a Report was obtained—how, he did not know—stating, in vaguish terms, that they were the two most incompetent officers of their rank in the Admiralty. This, he ventured to state, was certainly not his own experience of those gentlemen while his right hon. Friend the Member for Tyrone (Mr. Corry) or his right hon. Friend the Member for Droitwich (Sir John Pakington) were in Office; both of them were officers of high rank and capacity, and one especially had held the post of Private Secretary to the First Naval Lord in successive Administrations. When the Report was made there were renewed attempts—he really must say—to bully these two gentlemen out of the Service. Mr. Dundas went; but Mr. James was not the man to do so. He sought the advice of his solicitor, and was advised to summon the officer who had drawn up the Report to a Court of Law for defamation of character, and made arrangements for summoning the right hon. Gentleman the First Lord of the Admiralty and other official personages as witnesses. Thereupon he was sent for to the right hon. Gentleman's room and begged to stay in the service. He consented to do so, and was in the service at this moment. These were cases freely mentioned in private conversation; they were cases known to his right hon. Friends who had held the Office of First Lord of the Admiralty; and they were cases that ought to be known to the Committee and the country. The public service could not be conducted if gentlemen, who had devoted their lives to it, were to be hustled and bundled about in this way and threatened to be turned out of it, being only relieved when they turned round and began to take the law of the authorities. Last year there was a newly-fledged department called the "Purchase and Contract department," of the working of which exceedingly little was known, but what little transpired was very much to its detriment. Under the old contract system, though high prices might sometimes be paid, the articles were, at least, according to sample, were faithfully delivered, and the public had the advantage of tenders. The new system, however, was to make the purchases direct, and through a single firm, Messrs. Shaw and Thomson, of 150, Leadenhall Street. There could be no mistake as to the name, for he had in his hand a dozen printed papers of the Admiralty, sent to him by different firms in the City, with the names of Messrs. Shaw and Thomson upon them. These were the gentlemen who showed great consideration to the Admiralty when they made the blunder of selling all their good anchors, and allowed the Admiralty to have them back again. The question was asked at the time whether they were to have anything for it, and this was denied. Immediately afterwards it was said that they had been made the agents through whom the Admiralty would, in future, obtain their contracts. This also was denied; but the printed forms which he had in his hand as to different articles required by the Admiralty left very little doubt upon this point. Messrs. Shaw and Thomson accordingly were agents or had been agents for a sufficient time to recoup themselves for the services rendered to the Admiralty in re-selling them their iron anchors. Notice was given of a Question addressed to the Secretary to the Admiralty, a gentleman of great commercial experience, and himself an employer of labour, as to the terms on which those gentlemen had been employed to purchase articles for the public service. But although it was the Secretary to the Admiralty who was challenged, the First Lord immediately rose and said that it was entirely against the Secretary's wish, and only at his own urgent request, that these gentlemen had been employed as private agents to make purchases for the Government. Take another instance of the working of the new Purchase department. There was a colliery in Wales called the Hirwain Colliery, the coal of which might be applied to certain uses, but was of a dangerous and inferior character, and was condemned by the proper officers as unfit to be used in the Navy from the probability that ships carrying it would be set on fire. No prudent shipowner would allow it to be used on board his vessels. Nevertheless, 18,000 tons of that coal were received at Sheerness, having been purchased at a lowish rate. Coals for the Admiralty were no longer bought by tender, but by a friend of the Secretary to the Admiralty, a Mr. M'Culloch, who, it was understood, received 3*d.* a ton from the Admiralty for every ton of coals received by them—what he might receive at the other end, of course, nobody knew. He had been informed that there was a gentleman of the same name as Mr. M'Culloch who was the manager of the Hirwain Colliery; he did not know whether they were related in any way, but Hirwain coal was certainly bought by Mr. M'Culloch. Some of the coal so purchased was placed on board the *Megæra*, and when on the Line she caught fire and might have been lost owing to the fuel that she carried. A Return had been moved for upon the subject, but the right hon. Gentleman proposed to give a much larger Return than was asked for, and it had not yet been produced; he was, therefore, obliged to make this statement upon what he believed to be very tolerable authority. It was well known that in the different Government establishments the supply of coal was kept down to the lowest quantity, and that when the officers of the yards were compelled to make purchases for the immediate necessities of the public service, Mr. M'Culloch had been sent down to find fault. He would give an instance. When the right hon. Gentleman opposite took command last year of the Channel Fleet, an order was sent to Pembroke Dockyard to have a supply ready for the fleet. The Storekeeper, a most excellent officer, found that the stock of coals was not sufficient for the requirements of the fleet, which was to arrive next day, and he accordingly applied to the Captain Superintendent, who directed him to procure the supplies necessary for the squadron. The right hon. Gentleman duly arrived with his fleet; the Storekeeper was complimented for his energy and activity by the First Sea Lord, who accompanied the vessels, the necessary supplies were taken on board, the fleet sailed, and the Storekeeper thought that there was an end of it. But the other Board in London and the Secretary to the Admiralty immediately found fault with what had been done, they refused to pay for the coal which had been purchased, and Mr. M'Culloch was sent down to complain, and he supposed to inquire why he had not received his threepences. Since then the Storekeeper had been dismissed—or retired, or whatever the phrase was—and he (the Storekeeper) was quite ready to give any hon. Gentleman, who might desire it, all necessary information upon the subject.

Mr. CHILDERS said, he would endeavour to answer in a few words the various questions which had been put to him. And, first, he might be permitted to congratulate his hon. Friend the Member for Devonport (Mr. M. Chambers) on having found the speech which he forgot the other day, when Vote 6 of the Navy Estimates, to which it related, was under discussion. His hon. Colleague, however, in the representation of Devonport (Mr. J. D. Lewis) then made a speech precisely to the same effect, which was very fully answered at the time, and therefore it was as unnecessary as it would be irregular for him to answer these statements again, beyond saying that he believed the course of the Government could be fully justified. The hon. and gallant Baronet opposite (Sir John Hay) had asked three or four very pertinent questions. The first was as to the amount of superannuations and pensions granted to officers at the Admiralty on reduction; and the hon. Baronet suggested that these exceeded the amount saved by the smaller establishment. Even if this were so, as the amount of such pensions must fall off every year, it would be no argument against the reduction in the civil establishment; but he had on a previous occasion shown that, allowing for pensions, there had been a large net saving; and he had no means at hand of checking the hon. Baronet's calculation. He would, however, willingly lay any Return on the subject on the Table, which might elucidate the case. The hon. and gallant Baronet had put to him a second Question of which he had had no Notice, and, therefore, he was not able to answer it with great minuteness. He would, however, give the best reply he could from memory. Among the officers recently retired from age was a very gallant officer in his 72nd year, Sir William Hope Johnstone, who a few days before had been appointed to the ancient office of Rear Admiral of the United Kingdom. This retirement necessitated his vacating this office, and the hon. Baronet opposite says that the gallant officer called on him (Mr. Childers), and that he told him he could not retain the office because when the Admiralty went to sea they might be drowned, and he might be called on to discharge their functions, which he could not do if retired. He need not assure the House that he had not said anything so absurd; and if Sir William Hope Johnstone had not understood what he had actually said, he would willingly try to make matters clearer to him. The fact was that great consideration, in point of money, had been given to this officer. Although at his advanced age retirement was obligatory on him, a special clause had been inserted in the Order in Council allowing him to receive not only the improved rate of half-pay, but, for life, the full salary of his office —a privilege which the provisions of the Order of 1866 would not have allowed to any officer coming on the list after its date. And here he might remark, parenthetically, that to avoid for the future this inconvenience three additional good service pensions, to be held after retirement, had been substituted for the salaries of these nominal offices. When Sir William Hope Johnstone called on him he was satisfied that on the pecuniary question he had been fairly treated, and that he would receive the full value of his sinecure, but he urged that he ought to retain its title. He (Mr. Childers) had explained to him that the duties assigned to him by the patent, although he would probably never be called upon to perform them, were such as could only be performed by an officer on the Active List. That was the whole story, and there was really nothing in it. Then the hon. and gallant Officer (Sir John Hay) brought forward the case of two clerks in the Admiralty—Mr. James and Mr. Dundas. First of all he said that last year he (Mr. Childers) had stated that at that time no clerk had been absolutely forced out of the office under retirement, although some had gone voluntarily, and he assumed, therefore, that it was implied or that he had said under no circumstances whatever would any clerk be required against his will to retire. Now he never had said anything so preposterous. They were greatly reducing the number of clerks, and it might of course happen that some gentlemen, though offered a handsome compensation, would not be willing to retire. But what had been the result? With very few exceptions indeed—he thought the whole number was not more than three or four—all had been retired without any serious objections. In the Secretary's Office a considerable reduction in numbers had to be made. The selection of clerks for that reduction was made on the responsibility of the officers placed over the clerks—the Secretary and Chief Clerk. They recommended that those particular officers should be reduced whose services might be spared with great advantage to the public service. All these took the retirement in the Secretary's Office except two. What was done with respect to them? First of all he called in the responsible officers to report the reasons which led them to recommend that they should be retired against their wishes. He then referred that Report to Lord Camperdown's Committee, which, as he had explained on a former occasion, dealt with all these cases. On Mr. James and Mr. Dundas objecting that this Committee had not fully considered their case, he was himself so anxious that no possible injustice should be done that he determined to hear the whole facts himself. Two or three of his Colleagues met with him in his own room; those gentlemen came before them; they heard the evidence of each of the Secretary, Chief Clerk, and several other officers under whom they had served, and the decision come to was that in the case of Mr.

James, although his conduct had not been uniformly satisfactory, the case against him was not sufficient to retire him against his will; but, in the case of Mr. Dundas, it was sufficient, and he was retired. With regard to Mr. James having summoned him, or given notice that he was about to summon him, to prove a libel against some inferior officer, he could only say this was the first time he had heard of it. With regard to the concluding remarks of the hon. and gallant Officer he should leave the Secretary to the Admiralty (Mr. Baxter) to answer them. He would only say that the hon. and gallant Officer (Sir John Hay) was quite mistaken in what he had stated as to the coaling of the Channel Fleet. The arrangements for that purpose had been entirely satisfactory, and there was no foundation for the statement which had been made on the authority of some superannuated officer. Then, as to the question put by the hon. Member for Sunderland (Mr. Gourley) with regard to the employment of shipping agents, when they came to Vote 17 the subject would more conveniently be discussed. That arrangement had been made after full consideration, and in accordance with the practice of all men of business; it was only for one year, and if it was not found to work well it would be altered. He now came to his hon. Friend the Member for Portsmouth (Sir James Elphinstone). He was sure his hon. and gallant Friend did not seriously expect him to follow him in all his remarks; but there were one or two he must refer to. His hon. and gallant Friend said the Turkish Admiral had stated that if we had not reduced the fleet in Greek waters, the recent deplorable murders of British subjects would not have been committed. He was not aware that so naked an opinion had been expressed by Hobart Pasha, and he must demur to that gentleman being considered quite impartial on the question. But, as a matter of fact, the arrangement of their Predecessors in Office with regard to the disposition of the Mediterranean Fleet had been adhered to. Not a ship had been removed, and its disposition was now as then made by that very excellent officer, Sir Alexander Milne, whose arrangements were entirely approved by both the Foreign Office and the Admiralty. So that the whole of his hon. Friend's remarks on that subject fell entirely to the ground. Then his hon. and gallant Friend said that Mr. Reed had only built one good ship, and that they had paid pretty well to educate him. Now, he was bound to say that Mr. Reed, by common consent, and not in the opinion of one Admiralty alone, had been a most successful shipbuilder. The *Monarch* was not his only success; and it was the late Board of Admiralty that recommended £5,000 should be paid to him. With regard to the complaint of his hon. Friend the Member for the Tower Hamlets (Mr. Samuda), he would say the officer who formerly held the post of Engineer at Portsmouth had been appointed by the late Board to a sort of roving inspection of all the other dockyards. This arrangement did not work well, and when the offices of Master Shipwright and Engineer were amalgamated, Mr. Murray was brought to London, combining with the office of General Inspector of Factories and Workshops the office of Consulting Engineer. But the work proposed to be done by Mr. Murray in connection with the Factory and Workshop Accounts was found to be more suitable for Mr. Fellows, the Inspector of Dockyard Accounts; and the office of Consulting Engineer did not take up Mr. Murray's full time. He ceased, therefore, to be a salaried officer, but would be consulted on a fee when required. The duties of the officer who acted as Secretary to the Chief Constructor were distinctly stated in the Estimates of last year. The last point to which he must advert was the real question before the House. The hon. Member for Sunderland had moved a reduction of the Vote; but anyone acquainted with the business of the Department must be aware that it would be impossible for Mr. Reed to get through the work assigned to him if he had not the aid of Assistant Constructors. With respect to the whole staff Sir Spencer Robinson had been able, with the aid of Mr. Reed, to effect considerable economy.

Mr. CORRY said, that with regard to the question of contracting for ships, there was a good deal of truth in the observations of the hon. Member for the Tower Hamlets (Mr. Samuda); but they did not altogether accurately represent his (Mr. Corry's) views. What he said three years ago was that the work done by contractors was of admirable quality; but at the same time he added, that, as regards unarmed ships, he gave the decided preference to those built in the Government dockyards, and that though in the first instance the contract-built ships might be cheaper, yet, when the cost of them was accurately cast up during their whole life for repairs and other matters, the non-contract ships were really less expensive. With regard to the removal of Mr. Murray, he entirely disagreed with the First Lord of the Admiralty when he spoke of Mr. Fellows being an admirable substitute for Mr. Murray. The right hon. Gentleman might as well have said that he was a good substitute for Mr. Reed. As much science was required in selecting steam engines as in constructing men of war. [Mr. CHILDERS: I stated that Mr. Fellows analyzed the accounts.] Something more than the examination of accounts was necessary, and it was a most alarming consideration that at this moment there was no officer at the Admiralty competent to advise the Board as to the selection of designs and specifications of engines for ships of war. He defied the right hon. Gentleman to name any gentleman so competent to perform that duty as Mr. Murray was. Of all the many mistakes which the present Board of Admiralty had committed, the removal of Mr. Murray from his responsible duties was, perhaps, the greatest. Mr. Murray regarded his removal as a great slur on his professional character, and it was to be hoped that the First Lord of the Admiralty would make a public declaration of the high estimation in which the Admiralty held that gentleman's abilities, and that his removal was not occasioned by any fault of his own. Mr. Murray was told that he would be consulted on important occasions; but those important occasions had never arisen, and it would be satisfactory to Mr. Murray to know whether or not he had any relation with the Admiralty. With regard to the Purchase department, every hon. Member must know that under the present system of purchasing there was very great and widespread suspicion that justice was not done to mercantile men. He did not mean to deny that Mr. M'Culloch was a most honourable man; but the system was one which did not inspire confidence. It was difficult to see how the old system had been improved upon. It was true that under the contracting arrangement the disgraceful case in which Mr. Gambier was concerned occurred; but that person, although he tried to humbug the contractors, had no more power to influence their acceptance than a doorkeeper of the House of Commons.

MR. BAXTER said, the present was not the time for entering on a defence of the purchase system, and if upon every Vote everything connected with the Admiralty was to be discussed, the Navy Estimates would never be got through; but he was prepared to answer one or two remarks made by the right hon. Member for Tyrone (Mr. Corry). The first statement was that the appointment of Messrs. Hogg and Robinson to the Transport department was one which exercised an influence on the Purchase department, and for which the Purchase department was responsible. The appointment of these gentlemen, however, had nothing to do with the purchase and sale of goods; it was simply an arrangement for the shipping of goods in the Transport department. The matter was one which was pressed upon him by his right hon. Friend (Mr. Childers), who, however, deferred attention to it until the arrangements for the purchase and sale of goods had been placed on a proper footing; and then his right hon. Friend determined to recur to the question of the shipping of goods in the Transport department, and they together arrived at the conclusion that it was expedient to employ a gentleman to advise their gallant Friend at the head of the department (Admiral Mends) in connection with the shipping of small quantities of goods. What that had to do with the Purchase department he could not understand. It was stated that, instead of tenders being advertised for and purchases being made in the open market, purchases were made by friends of his; and that he indignantly denied. No friend of his, no gentleman he had ever spoken to, had been employed by the Admiralty in connection with the Purchase department. He was deeply indebted to hon. Gentlemen on both sides of the House for calling upon him and speaking to him in the Lobbies in order to give him excellent advice as to the best mode of securing supplies; but not a man of his acquaintance had been employed in any way in connection with the Purchase department of the Admiralty. He thought the attack that had been made was quite uncalled for, and he appealed to the House and the country against such charges as had been made against him by the hon. and gallant Gentleman with a recklessness which passed his comprehension. The right hon. Gentleman the Member for Tyrone, on the last day of February, brought several charges of the gravest possible nature against him in connection with the Purchase department, every one of which he shattered to the winds.

Mr. CORRY said, he brought no charge; but he made statements, which were contradicted at the time, but which had since been confirmed on inquiry of the principal officers of the dockyards. He suggested that the hon. Member should wait until they came to Vote No. 10.

Mr. BAXTER said, the right hon. Gentleman attacked him, pronounced the Purchase department a failure, and, when he was about to reply, told him to wait until they came to another Vote.

Mr. CORRY said, no Member of the Government had a right to regard what had been said as a personal attack.

Mr. BAXTER said, the hon. and gallant Member for Stamford (Sir John Hay) had stated that he had employed friends of his own in the Purchase department.

Sir JOHN HAY said, he wished to explain that he merely said this was the general report out-of-doors, which he thought the hon. Gentleman ought to have an opportunity of answering in the House.

Mr. BAXTER said, he was not afraid of his character out-of-doors. He did not complain of criticism of the management of the Purchase department; but he did complain of insinuations of this kind, which everyone connected with the Purchase department knew to be quite baseless. He was quite ready to wait until they came to Vote No. 10; but he complained that a discussion which they had expected to-night had not come on because the right hon. Gentleman was not in his place at the proper time. When it came on he was quite prepared to show the House and the country that in the past the management of the purchases and sales of stores for the Admiralty Department had been unbusiness-like and absurd. Having disposed of two charges, he now came to the third, which was that they had been guilty of using Hirwain coal. This was a hard anthracite coal of South Wales, which ought not to be used by itself, but which was one of the very best coals for mixing with bituminous coal. In one or two instances it was naturally complained of by officers of the dockyards. A gentleman connected with the Purchase department, whom he never saw or heard of until he became Secretary to the Admiralty, was sent down to show the officers how it ought to be used and ought to be mixed with bituminous coal; and in both instances the Report was that, having had the matter explained to them, the mixture was highly satisfactory. With respect to the *Megæra,* he regretted that the Papers were not on the Table; but when produced they would not support any of the accusations which had been made.

Mr. M. CHAMBERS said, he wanted to have a reply to his question, why mere useless ships were not broken up in the public dockyards?

Mr. CHILDERS said, the matter was one of expediency and policy, depending upon many circumstances which could not be stated in reply to a question. Many were broken up in the public dockyards; others were sold to be broken up elsewhere. The whole matter was fully discussed in a Committee which sat the year before last; and the result was, the passing of an Act of Parliament last Session to enable the Government to sell a larger number of ships than they could formerly dispose of, but which put an end to the system under which the Government sold the ships, and then had to buy back the part of them which they required. It was he who recommended the retirement of Mr. Murray; but it was his intention to carry out the arrangement under which Mr. Murray retired, and which was, that from time to time he should be employed as Consulting Engineer in special inquiries for which he was specially fitted. His opinion of Mr. Murray was expressed by the fact that he had recommended him for the distinction of the Bath.

Sir JOHN HAY said, he did not propose to move the reduction of the Vote; but the right hon. Gentleman opposite had not explained the working of the Purchase department, and he therefore gave notice that, if there was time this Session, and, if not, next Session, he would move for a Committee to inquire into the working of it.

Mr. CHILDERS said, he had been referred to, and it had been stated that it was understood personal friends of his had been employed.

Sir JOHN HAY explained that he did not say it was understood; he said it was reported.

Mr. CHILDERS said, it was a very easy thing when you heard a cock-and-bull story to damage your opponent by saying it was reported of him, and when challenged to confess to knowing nothing about it; but, while he was responsible for naval affairs, he would not receive such imputations without indignantly contradicting them.

Sir JAMES ELPHINSTONE said, the Government must see that the course they were pursuing was completely upsetting the old principle of competition, and involving them in difficulty and trouble. All that was said and done by persons in the Purchase department was known in the City and everywhere else; they were watched from the time they got up until they went to bed; and whenever one of them said anything about business it was supposed to have reference to a Government contract. The hon. Member (Mr. Baxter) said hon. Members offered him advice, no doubt commending assorted samples of this or that; but that was not the way the business of the country ought to be carried on. No doubt the right hon. Gentleman (Mr. Childers) and the hon. Gentlemen opposite were honourable men, but no man could touch pitch and not be defiled; and they could, not under such circumstances, save themselves from imputations, as they could under the old system of open tender, with officers to test the samples. Admiral Cooper Key was evidently dismissed and visited with the vengeance of the Admiralty because he had rejected a quantity of bad stores, and then, when the Admiralty found there would be a disturbance, he was transferred to Malta. Nothing would persuade him that this was not so. The stores now supplied for the use of the Navy were of an inferior class to those formerly purchased. For example—there never was such smoky, bad coal as that which was now supplied, and which came from districts represented by hon. Gentlemen who loudly supported the Government. The Admiralty ought to employ patent fuel. The French bought the best Welsh coal. They crushed it, combining it with bitumen, and the result was more steam and better work, while the ships were kept clean. At present the smoke corroded the rigging, destroyed the clothing of the ship's company, and deteriorated every part of the ship. The present source of supply was maintained for nothing else than in order to get political capital for the Government. Again, the oil supplied was deficient both in lubricating and in illuminating power, and it clogged and destroyed the machinery. Where did this come from? Dundee.

Mr. BAXTER said, that no oil now came from Dundee at all. When he took office he found that sperm oil was bought for the use of the Navy at £134 per ton; but he now bought colza oil at £38 15*s.* a ton.

Sir JAMES ELPHINSTONE said, he hoped to hear who bought this oil, and he would promise, on a future occasion, to lay before the House some data upon which statements had been made that evening.

Mr. NORWOOD said, he did not think any vindication of the character of the hon. Gentleman (Mr. Baxter) was necessary; but he awaited with some curiosity at a future time an explanation of the system of purchase now adopted at the Admiralty. In his opinion public tender, not private purchase, was the best system.

Captain STANLEY said, it was far from the intention of those near him to say anything which might occasion even temporary annoyance to the personal feelings of hon. or right hon. Gentlemen on the Treasury Bench; and he thought they should be glad of the opportunity of explaining as publicly as possible charges which, however groundless, had been generally circulated, and as to which the Committee were no doubt glad to receive a disclaimer. At the same time, he claimed for his side of the House full liberty upon Vote 10 of criticizing the Purchase department of the Admiralty.

Mr. DYCE NICOL asked the First Lord whether, in the recent Admiralty arrangements, the period of service of the First and Third Naval Lords at the Board of Admiralty had been fixed; a subject of interest not only to the service, but to the public generally, as affording encouragement to meritorious officers of high standing, by holding out the prospect of being taken into the counsel of the First Lord; and which appeared particularly desirable at a time when appointments on shore were becoming more and more limited, and when an entire revolution was taking place in the construction of our ships of war and in their armaments, regarding which the advice of those who had been recently afloat, might be of much value in the administration of the Navy. He was satisfied that should the right hon. Gentleman think it consistent with his duty to intimate that these important offices were not, under ordinary circumstances, to be held for a longer period than three or four years, it would show the public that the patronage of the Admiralty was being used solely with a view to the public interest.

MR. CHILDERS said, that no limitation, as to the period of service, had been put upon the selection of Her Majesty of officers to fill the appointment of First and Junior Sea Lords. The tendency, however, of what had been done with regard to retirement would be in the direction of such a limitation.

Question put, and *negatived.*

Original Question put, and *agreed to.*

(2.) £196,955, Coast Guard Service, Naval Coast Volunteers and Naval Reserve.

MR. GRAVES said, that the sum now asked was very much the same as the sum taken last year; but he perceived by a foot-note that it was possible there might be some modification in consequence of the Report of the late Committee. If that Report were adopted in all its integrity, the effect would be very seriously to diminish the strength of the Naval Reserve. Hitherto the minimum height had been 5 feet 5 inches; but the Admiralty had power to make exceptions in certain cases. That power was now to be withdrawn, and the standard of 5 feet 5 inches to be observed for the future. From the Return appended to the Report, it appeared that one-fifth of the men introduced into the Naval Reserve of late years had been under 5 feet 5 inches; and, therefore, if the rule to which he had alluded were to be acted on, we should lose one-fifth of our Reserve Force. At least 30 per cent of the men in the Royal Navy were under 5 feet 5 inches; indeed, on board one of our large iron-clads, no less than 42 per cent were under that height. But taking the number at 30 per cent, these men, the blue-jackets serving on board of Her Majesty's ships, were now to be precluded from entering the Naval Reserve when their engagements in the Navy had terminated, and more valuable men could not be got. There was another point to which he wished to call attention. Hitherto the Admiralty had power to give special permission to the men of the Reserve to go on foreign voyages, if the nature of the voyage was stated in the permission. But it was proposed in the Report to confine the voyages of the Naval Reserve men to 12 months. The effect of that would be that owners in the long voyage trade to India and China would not take these men, because, before the end of the voyage, they would be obliged either to return or to break their leave, and incur the penalties of forfeiture under the regulations of the Reserve. Now, the men engaged in those voyages were the very cream of the Reserve, and this obligation, which it was proposed to impose upon them, was quite needless, and would be productive of much loss to the Reserve men. Then it was usual to have small batteries around the coast for drilling the men who joined the force; but now they would be obliged to go for their 30 days' drill into the large seaports, where they would spend their money away from their families, and be exposed to many temptations. He feared the best feeling towards the Reserve was not exhibited in this Report. For instance, while in one line it was said—"By Article 169 the Government is pledged never to discharge a man without his own consent, except for misconduct or physical disability," in the next line this most extraordinary recommendation occurred—"The Committee see no good ground for this being continued." Now, what was that but recommending a direct breach of faith with these men? The recommendations of the Commission with which the Reserve originated proposed that it should reach 30,000, but it had never exceeded 16,000; not because this limit was placed on the numbers, but because at this point men having suitable qualifications were exhausted; and it was now proposed, in the Estimates, that it should be the latter number—4,000, at least, less than it ought to be. But if the restrictions to which he had called attention were carried out in their integrity, it would be impossible to keep up a force of 16,000 men. We had, in our naval service afloat, 19,000 blue-jackets at most; then there were 16,000 in the Reserve, 4,000 Coastguard men, 3,000 Coast Volunteers, and 17,000 Marines, making, in all, a total force, effective and reserve, of 59,000 men. He had no desire to introduce national comparisons, but it was sometimes necessary, especially when he had been informed by authority which could not be doubted, that France had, in her effective Navy, 37,000 petty officers and able seamen, 140,000 seamen in her maritime inscription between 18 and 50 years of age, 55,000 of whom had passed three years in the Navy, and were liable at any moment to be called out, and the remainder, by an Imperial decree, could be called out in time of war. So that France had a Reserve of 140,000 men against our 23,000. He was glad a subsidiary Reserve had been adopted; he had long advocated one; and he should be glad to see the greater part of the fishermen brought into it. He would once more suggest that the Reserve should be raised to 20,000, and that a Vote should be taken for this number.

Mr. BONHAM - CARTER said, he was not sorry to see an increase in the Vote for the Naval Reserve, and he believed the feeling of the country generally was in favour of that force. There was no doubt that the experimental squadron of last year, which brought together the Coastguard and the Naval Reserve, had most valuable results. Of course, they could not expect such an experiment to be made every year; but it was successful in every way, and certainly not the less so through the squadron being under the command of a very able officer. It was exceedingly important that that experiment should be followed by another under the eye of the same officer who conducted the first. With regard to what had been said as to that gallant Admiral having been almost dismissed for quarrelling with something that the Government had done in respect to stores, those who knew the position he had held in the scientific portion of the service, and how well he had conducted the various duties that had been intrusted to him, could not doubt of his high qualifications being perfectly recognized.

Mr. CHILDERS said, no one appreciated more highly than he did the services of Admiral Cooper Key, and no one could have been more surprised than he was at what had fallen from the hon. and gallant Member opposite (Sir James Elphinstone) as to that distinguished officer's connection with the Admiralty. He knew of no officer who was more likely to rise to the highest position in the command of our fleets than Admiral Cooper Key. With regard to the Naval Reserve the hon. Member for Liverpool (Mr. Graves) seemed to think the suggestions of the Report he had referred to were rather restrictive and prejudicial to that force, instead of being, as they were intended to be, the very reverse. The Naval Reserve was started on a certain basis, and many relaxations were afterwards made in respect to that basis. What was proposed in the Report was to withdraw those relaxations to a certain extent, but also to effect some improvements greatly to the benefit both of the force and of the public. The hon. Gentleman had not seen the very considerable advantages held out to the force in respect to clothing, to prizes, and to other matters, all of which would tend to attract the men into the Reserve far more than they could possibly be repelled by the withdrawal of those relaxations of which the hon. Gentleman had taken an exaggerated view. With regard to the article about retirement and discharge, it was never intended that there should be any breach of faith or going back from the existing engagements with the men now in the force. There certainly was no hostility to the Reserve on the part of the present Board of Admiralty, who were entirely in harmony with the Board of Trade with respect to it, and there was no ground for any insinuation that the Admiralty were desirous of doing anything prejudicial to the force.

Vote *agreed to.*

(3.) £69,267, Victualling Yards at Home and Abroad.

Sir JOHN HAY said, he thought they ought to have some explanation as to the condition in which the victualling yards now were, and also in reference to the changes to be made in consequence of the Earl of Camperdown's Report.

Mr. CHILDERS said, it was plain, on the face of the Estimates, what was proposed to be done in respect to the management of the victualling yards. They would be placed hereafter in charge of the superintending storekeeper, with a sufficient number of subordinate officers attached to him to discharge the duty.

Sir JOHN HAY said, he was dissatisfied with the proposed arrangements in respect both to the victualling yards and the superintendence of the sick in hospital.

Mr. CORRY said, while wishing to speak with every respect of the medical officers, he must say that the men felt that officers of their own branch of the service had more interest in all that concerned them; he could not, therefore, think the change a judicious one.

Vote *agreed to.*

(4.) £57,730, Medical Establishments at Home and Abroad.

Sir JAMES ELPHINSTONE said, he concurred in the remarks of the right hon. Gentleman the Member for Tyrone (Mr. Corry). One of the most unpopular changes made by the present Board of Admiralty was the taking away of the superintendents of hospitals.

Vote *agreed to.*

(5.) £18,122, Marine Divisions.

Mr. CHILDERS said, he did not propose to take Votes 10, 11, 12, and 17 till to-morrow, at the Day Sitting. The Notices of Motion on going into Committee of Supply would, of course, come first to-morrow.

Vote *agreed to.*

(6.) £16,678, Martial Law and Law Charges.

(7.) Motion made, and Question proposed,

> "That a sum, not exceeding £118,791, be granted to Her Majesty, to defray the Expense of various Miscellaneous Services which will come in course of payment during the year ending on the 31st day of March 1871."

Sir JAMES ELPHINSTONE said, as this Vote included the £5,000 proposed to be given to Mr. Reed, he should move to report Progress.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Sir James Elphinstone,*)—put, and *negatived.*

Sir JAMES ELPHINSTONE said, he would take occasion to call attention to the sum proposed to be granted to Mr. Reed.

Mr. ASSHETON CROSS said, he thought some explanation ought to be given on the subject of that grant.

Mr. CHILDERS said, he had given an explanation of it three months ago. Mr. Reed, before he became a salaried officer of the Government, had done certain work for the Admiralty of a very valuable character, for which he had never been remunerated. Since he became an officer of the Government he had been very successful in designing iron-clads, but it was not until this year his success could be said to be established. On the first ground the late Board of Admiralty had recommended a grant to him, which the Treasury had not sanctioned. The present Board of Admiralty had renewed this recommendation on both grounds, and the Treasury had sanctioned it.

Mr. HUNT said, that the late Treasury Board had refused to accede to the demand for a grant to Mr. Reed, on the ground that he had already received a valuable appointment as a reward for his services. The late Treasury were of opinion that the value of any service which Mr. Reed might have given might have been a ground for increasing his salary, but not for making him a grant of money. He did not know what were the additional services that Mr. Reed had performed since that period which entitled him to have the decision of the late Board set aside.

Mr. CHILDERS said, that the grant was first asked for on the ground that the services of Mr. Reed, before he became an officer of the Crown, had not been properly remunerated. The success of Mr. Reed's labours with respect to the new iron-clads had only been proved since the late Admiralty Board had left office.

Mr. CORRY said, he believed that the late Board of Admiralty had fully recognized both these claims of Mr. Reed.

Mr. HUNT said, he could see no distinction between the case of Mr. Reed and that of Colonel Boxer, to whom a grant had been refused by the War Office.

Mr. CARDWELL said, that his Predecessor in Office (Sir John Pakington) was averse to giving Colonel Boxer a gratuity, but was ready to increase his salary, and had adopted that course.

Mr. HUNT said, he thought that Mr. Reed's services should have been recognized in the same way as Colonel Boxer's had been.

Mr. CARDWELL said, that Colonel Boxer had received a gratuity the first time, but it had been refused on the second occasion.

Mr. GRAVES said, he objected to the Vote, on the ground that it did not accurately define the particular services for which the gratuity asked for was to be given. Had the grant been asked for on the ground of the success of the two iron-clads last built by Mr. Reed he should have been quite willing that it should be made. The vessels, however, which were built by that gentleman when he was first appointed were great failures.

Mr. SCLATER-BOOTH said, he thought the Vote if agreed to would prove a very bad precedent. The question was, whether the large sum of £5,000 was to be given to a very highly-paid officer in Her Majesty's service for doing his duty?

Mr. ASSHETON CROSS said, that if the grant were to be made in respect of Mr. Reed's earlier patents, there were persons who said he was not entitled to the credit of them. When an officer was employed in Her Majesty's service all his labour should belong to his country. He wished to know how the gratuity was proposed to be apportioned for the different services rendered by Mr. Reed? Mr. Reed was now to be remunerated for services rendered eight years ago.

Mr. CHILDERS, in reply, said, that the gratuity was asked for, not in respect of any particular patents, but in respect of services for which Mr. Reed had never been remunerated. The success of Mr. Reed's inventions had saved the country upwards of £1,000,000. Under these circumstances, the present Board of Admiralty felt that they were justified in endorsing and renewing the recommendation of their predecessors in Mr. Reed's favour. There were many precedents for the course which had been adopted in the present instance.

Mr. HUNT said, that a very important question of principle was involved in this case — namely, whether, when the Government obtained the services of a gentleman for any particular Department, and paid him for the whole of his time, he should, because he was successful, have a gratuity in addition to his salary? That was the question raised in Colonel Boxer's case. The First Lord of the Admiralty mixed up what was done with Mr. Reed before he had a salary and what was done afterwards. He was appointed to his office because he showed ability in constructing ships, and the emoluments of the office was his reward; the late Treasury Board decided not to give him any gratuity, and he (Mr. Hunt) had heard of no reason since to justify doing so.

Mr. CHILDERS said, he entirely agreed that, as a general principle, public servants remunerated by salaries should not have a gratuity; but it was as unwise to make no exceptions to this rule as it would be to make frequent exceptions.

Sir JAMES ELPHINSTONE said, he found no fault with the construction of Mr. Reed's ships, but with their formation, especially as regards draught.

Original Question put, and *agreed to.*

Resolutions to be reported *To-morrow,* at Two of the clock;

Committee to sit again *To-morrow,* at Two of the clock.

GUN LICENCES BILL—[Bill 134.]

SECOND READING.

Order for Second Reading read.

The CHANCELLOR of the EXCHEQUER, in moving that the Bill be now read a second time, said, he had come to the conclusion not to press it in its original shape. In deference to what he understood to be the general wish of the House, he proposed to retain the game licences, but to give holders of them a licence to carry fire-arms. It would rest with the House to say whether the amount of the licence should be reduced.

Mr. HUNT said, he regretted the decision come to, because by it the Chancellor of the Exchequer withdrew the boon he had promised. It had been said that the original proposal of the right hon. Gentleman would relieve the rich; but his (Mr. Hunt's) object in wishing to see the licence reduced was to enable poorer persons to enjoy the pleasure of sport at a moderate cost. To prevent poaching, he would make a provision to withhold a licence from any person found trespassing in pursuit of game or committing any offence with fire-arms.

Viscount GALWAY said, he differed entirely from the right hon. Gentleman who had just addressed the House, and must express his satisfaction at the concession made by the Chancellor of the Exchequer. If only a £1 licence on guns were imposed there would be a vast increase in the number of poachers. It appeared from the Bill that nobody but an officer of the Inland Revenue or a constable would be entitled to ask for the production of a licence; and he wished, therefore, to ask the right hon. Gentleman the Chancellor of the Exchequer whether an owner or occupier of land, or a keeper deputed to look over a property, would not also be authorized to demand the production of a licence from a person trespassing on the property? He also wished to know whether persons employed in scaring birds would be exempted from the operation of Clause 7?

Sir HENRY SELWIN-IBBETSON said, he was very grateful indeed to the right hon. Gentleman for the concession he had granted. He should, however, prefer to see the licence applicable to the barrels or chambers rather than to the actual gun, in order to check the dangerous practice of carrying revolvers, which was growing very common in the North of England.

The CHANCELLOR of the EXCHEQUER explained that the licence was not imposed on the guns themselves, but on the carrying of guns.

Sir HENRY SELWIN-IBBETSON said, he should like to have the tax increased in proportion to the number of chambers each gun might contain.

Mr. SCLATER-BOOTH said, he thought his right hon. Friend the Chancellor of the Exchequer would have done well to adhere to his original proposition; but he congratulated him on the support he was receiving from the game preservers. As this tax, he believed, amounted to £150,000, it was high time for another Financial Statement to be made.

Sir GEORGE JENKINSON said, that as the proposed alteration was entirely in accordance with the Amendment he had himself given Notice of, he begged to thank the right hon. Gentleman for the concession he had made. The retention of the game licence was, in his judgment, the greatest check on poaching which could be devised. He trusted, however, that the right hon. Gentleman would fix the cost of the gun licence at 10*s*.

Mr. R. SHAW said, he was also glad that the game licence was to be retained. It would, however, be a great boon to clerks and others who had an opportunity to go shooting for a week or two if licences available for a week, a fortnight, or a month could be obtained at the Post Offices for 5*s*. or 10*s*.

Mr. ORR EWING said, that gentlemen who only went shooting for two or three days in the year never thought of taking out a licence. He thanked the right hon. Gentleman for retaining the old game licence, as the Bill in its original form would have given the greatest encouragement to poaching. He concurred in the suggestion of the hon. Baronet (Sir Henry Selwin-Ibbetson) that the tax should be imposed on the barrels, in order to check the use of revolvers.

Mr. MUNTZ said, he would point out that the Bill had entirely changed its appearance, and would consequently require careful revision in Committee. If the old game licence were to be retained, no tax ought to be imposed on guns; and when the Bill went into Committee he intended to propose a clause to that effect.

Mr. MACFIE said, that he had had the honour of presenting a Petition signed by 36 working men, who stated they should experience great pleasure at being allowed a month's shooting in the spring free of gun tax.

Colonel BERESFORD said, he would appeal to the right hon. Gentleman the Chancellor of the Exchequer to adhere to the £1 gun tax, which was necessary for the purpose of putting a stop to the shooting of small birds in the neighbourhood of towns.

Mr. CRAUFURD said, he thought his right hon. Friend the Chancellor of the Exchequer had been a little precipitate in announcing his intention of maintaining the game licence in addition to the gun tax, as the Inland Revenue Department were intensely reluctant to be made the means of prosecuting poachers in consequence of a tax being levied on guns.

Mr. M'LAGAN said, he would make the common-sense suggestion that game preservers who sold their game should be made to take out the dealer's licence.

Mr. GRAVES said, he wished to know whether it was meant to include, as subject to the tax on guns, the large number of guns in the armouries connected with the shipping of the country?

The CHANCELLOR of the EXCHEQUER: The tax is to be, not on guns, but on the carrying of them.

Mr. GRAVES said, there was a large number of guns carried annually between the armourer's shop and the ships.

Bill read a second time, and *committed* for *Thursday* 9th June.

PUBLIC SCHOOLS.

MOTION FOR AN ADDRESS.—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [3rd May],

"That an humble Address be presented to Her Majesty, humbly to express the desire of this House that in the exercise of the power conferred upon Her Majesty by the 9th, 10th, and 19th sections of the Act 31 and 32 Vic. c. 118, with respect to the five Statutes for determining and establishing the constitution of the new governing bodies of Shrewsbury, Winchester, Harrow, Charterhouse, and Rugby Schools, Her Majesty will be pleased to ascertain whether the said Statutes correspond with the provisions of the 17th and 19th sections of the Endowed Schools Act of 1869, and, if they do not correspond with the said sections, to disapprove of them, or of so much of them, accordingly."—(*Mr. Thomas Hughes.*)

Question again proposed.

Debate *resumed.*

Mr. RUSSELL GURNEY moved the Amendment of which he had given Notice.

Amendment proposed,

To leave out from the word "Majesty" to the end of the Question, in order to add the words "representing that the Five Statutes for determining and establishing the constitution of the new governing bodies of Shrewsbury, Winchester, Harrow, Charterhouse, and Rugby Schools, have been considered by this House, and humbly to express their desire that, as since the passing of the Public Schools Act 1868 the Endowed Schools Act 1869 has passed, Her Majesty will be pleased to refer back those Statutes to the Special Commissioners appointed under the Public Schools Act, in order that they may have the opportunity of reconsidering certain parts of the said Statutes with reference to the principles applied in the Endowed Schools Act to other Endowed Schools,"—(*Mr. Russell Gurney,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. NEWDEGATE moved that the Debate be now adjourned. He was assured by competent legal authority that if this Amendment were carried into effect an action would lie against any person appointed under it for his very first official act, and he, as a trustee of Rugby School, should certainly bring an action.

Sir JOHN LUBBOCK: Sir, I rose at the same moment as the hon. Member for North Warwickshire (Mr. Newdegate) in order to second the Amendment proposed by the right hon. Member for Southampton, and I hope the hon. Member will allow that Amendment to pass, for I can assure him that the delay is highly prejudicial to the interests of the public schools. In seconding the Amendment proposed by the right hon. Gentleman the Member for Southampton, I beg to assure my hon. Friend the Member for Frome that I am actuated by no spirit of hostility to his Motion. On the contrary, as one of the Public School Commissioners, I have, from the commencement, been strongly opposed to the clause which he wishes to cancel. Indeed, Sir, it must be obvious to every hon. Member who considers the constitution of the Commission, that it would be our wish to regard the whole question from a liberal point of view. In the opinion, however, of the highest authorities, as, for instance, of the Solicitor General, the Commission really had no option inthe matter. I confess I should not myself have taken this view; but I cannot, of course, set up my opinion against that of so eminent an authority. Moreover, it must be remembered that the Commissioners are making most extensive changes, and are naturally watched from many quarters with much jealousy; and, under these circumstances I am sure the House will sympathize with the anxiety of the Commission to keep well within their powers, and not unduly to stretch the authority vested in them. Sir, as far as the interests of the Church of England are concerned, this clause in the proposed statutes seems to me to possess very little importance. Take, for instance, the case of Winchester. The Governing Body of that school will be composed as follows:—The Wardens of New College, Oxford, and Winchester, one member each elected by the Wardens and Fellows of New College, the Universities of Oxford, Cambridge, and London, the Royal Society, the Lord Chief Justice, and the Head and Assistant Masters; and two or four by the Governing Body for the time being, a provision which will materially strengthen the Conservative element in the Governing Body. Sir, I hope the time may come when all these bodies will elect the best man, independent of his religious opinions; but, as matters now stand, out of the 13 members of whom the Governing Body will consist, there is obviously no chance that more than one or two will be Nonconformists. Even that is doubtful, for though the Royal Society of the University of London will certainly elect those whom they consider most fit, irrespective of their religious opinions, they will certainly not elect anyone because he is a Nonconformist. I submit, therefore, that in the interests of the Church of England it is undesirable to fight this question. No doubt there are some privileges necessary to the existence of an Established Church; but this is not one of them, and it does seem to me very unwise on the part of friends of the Church to grasp at the mere shadow of a privilege, thus jeopardizing the substantial advantage of popular sympathy and support. Moreover, Sir, this privilege seems to me to be one of a very dangerous character, since it excites hostility without, on the other hand, conferring any strength. As regards the schools themselves, however, the limitation seems to me of considerable importance, since it will exclude some whose presence all would regard as most desirable. I regret, therefore, that all the public schools cannot be thrown open, and for the same reason I should, of course, like to see the 19th clause of the Endowed Schools Act reconsidered, as it seems to me contrary to public policy that anyone should be able to tie up his property, and thus offer a premium to the teaching of certain opinions—a premium, which if they are right they do not require, and if they are wrong they ought not to have. Sir, the Amendment seems to me preferable to the original Motion, because it would effect the same object in a simpler and more expeditious manner. Neither, indeed, will it effect all that I myself should wish; but the Amendment will at least strengthen the hands of the Commissioners, and enable them to throw open some of the Governing Bodies. Under these circumstances, I trust that it will be accepted by the hon. Member for Frome, and by the House.

Sir CHARLES ADDERLEY said, he did not see the use of prolonging this discussion night after night; but would, after making his protest, yield to the overwhelming numbers of hon. Gentlemen opposite, and consent to the adoption of the Motion, for it was useless to oppose a Government that argued with legions at its back.

Mr. T. HUGHES said, he was willing to accept the Amendment in preference to the Motion of which he had himself given Notice.

Mr. GATHORNE HARDY said, the House was called upon to ask Her Majesty to act under a statute from the operation of which the public schools were expressly excluded, and therefore this matter could not be carried further without special legislation. There should be legislation before Her Majesty was asked to do anything.

Mr. BRUCE said, he believed the Commissioners were perfectly right in the course they had pursued. There was nothing to prevent the Commissioners from acting without special legislation.

Mr. DENMAN said, he hoped the Motion for Adjournment would not be pressed.

Colonel BERESFORD said, he must submit that the House could only direct existing legislation to be carried out, and there was nothing in it affecting the schools mentioned. He must oppose the Address, considering it a step towards the disestablishment of the English Church, at which the artillery of destruction was now pointed on that (the Opposition) side of the House.

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. Newdegate.*)

The House *divided*:—Ayes 30; Noes 55: Majority 25.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Mr. CHARLEY moved that this House do now adjourn.

Motion made, and Question, "That this House do now adjourn," — (*Mr. Charley,*)—put, and *negatived.*

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Question put, "That those words be there added."

The House *divided*:—Ayes 54; Noes 26: Majority 28.

Main Question, as amended, put, and *agreed to.*

REGISTRATION OF VOTERS BILL.

On Motion of Mr. Vernon Harcourt, Bill to amend the Laws relating to the Registration of Voters in England and Wales, *ordered* to be brought in by Mr. Vernon Harcourt, Sir Charles Dilke, and Mr. Rathbone.

Bill *presented,* and read the first time. [Bill 149.]

SAINT OLAVE, &c. CHARITIES BILL.

On Motion of Mr. William Edward Forster, Bill for confirming a scheme of the Charity Commissioners for certain Charities in the parishes of Saint Olave and Saint John in the borough of Southwark, *ordered* to be brought in by Mr. William Edward Forster and Mr. Secretary Bruce.

Bill *presented,* and read the first time. [Bill 152.]

JEWISH UNITED SYNAGOGUES BILL.

On Motion of Mr. William Edward Forster, Bill for confirming a scheme of the Charity Commissioners for the Jewish United Synagogues, *ordered* to be brought in by Mr. William Edward Forster and Mr. Secretary Bruce.

Bill *presented,* and read the first time. [Bill 151.]

FACTORIES AND WORKSHOPS BILL.

On Motion of Mr. Secretary Bruce, Bill to amend and extend the Acts relating to Factories and Workshops, *ordered* to be brought in by Mr. Secretary Bruce and Mr. Knatchbull-Hugessen.

Bill *presented,* and read the first time. [Bill 150.]

PIER AND HARBOUR ORDERS CONFIRMATION (NO. 2) BILL.

Considered in Committee.

Resolution *reported*: — Bill *ordered* to be brought in by Mr. Shaw Lefevre and Mr. Stansfeld.

Bill *presented,* and read the first time. [Bill 154.]

HORSE RACING BILL.

Bill "to amend the Laws relating to Horse Racing," *presented,* and read the first time. [Bill 155.]

House adjourned at a quarter before Three o'clock.

HOUSE OF LORDS,

Tuesday, 31st May, 1870.

MINUTES.]—Public Bills—*First Reading*—Married Women's Property * (125); Debtors (Ireland) * (126); Prayer Book (Lectionary) * (127).

Second Reading—Felony (90).

Committee — Norwich Voters Disfranchisement (88-128); Churchwardens Liability * (101); Bridgwater and Beverley Disfranchisement (87-129).

Report—Mortgage Debenture Act (1865) Amendment * (121).

PRIVATE BILLS.

Ordered, That Standing Order No. 179. sect. 1. be suspended, and that the time for depositing petitions praying to be heard against Private Bills, which would otherwise expire during the adjournment of the House, be extended to *Monday* the 13*th of June* next; and that so much of the Standing Order of the 15th day of March 1859, as requires "That the Examiner shall give at least two clear days' notice of the day on which any Bill shall be examined," and also section 9. of Standing Order No. 178., be dispensed with.

FELONY BILL—(No. 90.)

(*The Lord Westbury.*)

SECOND READING.

Order of the Day for the Second Reading, read.

Lord WESTBURY, in moving that the Bill be now read the second time, said, that, as was well known to their Lordships, under the existing law conviction for treason or felony was attended with forfeiture of lands and goods. It had, however, been long felt that a more merciful view of the consequences of a criminal act was better suited to our present state of civilization; and various statutes had been passed by which the severities of the law had been much mitigated. The present Bill proposed to remove some further consequences, and to place the law upon a footing more agreeable to the times in which we live. The 1st clause provided that hereafter no conviction or judgment for treason or felony should cause any attainder or corruption of blood, or any forfeiture. The 2nd clause, however, provided that conviction for treason or felony should be attended with the forfeiture of any office, pension, public employment, or emolument derived out of any public funds, and also with disqualification, so long as the sentence remained unexpired, or until pardon, for any public employment under the Crown, whether naval, military, or civil, and for holding any ecclesiastical benefice. The disqualification also extended to sitting in Parliament, and to the exercise of any Parliamentary or municipal franchise. The 3rd clause enacted that persons convicted of treason or felony might be condemned to pay all or any portion of the costs, as to the Court might seem fit; and the 4th enabled the Court to award compensation to an amount not exceeding £100 by way of satisfaction or compensation for loss of property suffered by the injured party. The convict was, moreover, disabled from bringing any action or suit at law, and from alienating property during the time he should be subject to the Act. As he had already stated, the goods and chattels of a person convicted of felony were forfeited to the Crown. But though this consequence of conviction was still in force, its operation had been much mitigated, partly by the operation of various statutes, but chiefly by the practice pursued by the Crown in making grants from the forfeited property for the relief of the convict's family and other purposes. Indeed, in minor cases, it had long been the practice not to seize goods and chattels with a view of deriving any profit from them, but to deal with them in a merciful manner for the purpose of meeting the necessities of the convict's family. He held in his hand a Return of goods and chattels forfeited to the Crown since 1864, which showed that the application of them had been very capricious, and not regulated by any definite principle. In 1864 such property amounted to about £1,500, of which only £407 was restored to the convicts' families; in 1865 to nearly £600, £440 being restored; and in 1868 to £1,800, of which £1,111 was restored. It was very desirable that the disposition of the property of a felon should be placed under some systematic rule; and this Bill proposed that henceforth such property should be vested in an administrator to be appointed by the Crown; that after all expenses incurred by the administrator in recovering the property had been paid it should first of all be liable to defray the costs of the prosecutor, if he had not been otherwise entirely reimbursed. It proposed that the property should next be liable for the payment of debts justly due by the convict at the time of his conviction —thus remedying the anomalous state of the law under which creditors, unless they had obtained judgment, were debarred payment, no matter how large the amount of personal property which the convict had forfeited. It next proposed that the administrator should be empowered to make compensation to a limited extent to any person defrauded or injured by the criminal act of the convict; and, lastly, that he should make allowances for the support of the convict's family, and, indeed, for that of the convict himself if he should be at large under a license. The administration would operate until the sentence pronounced, or any sentence substituted for it, had been fully completed, or until a pardon had been issued. During this period any property accruing to the convict would come within the possession and control of the administrator: who, on the expiration of the term, would be bound to restore to the convict all that remained of his property, and to give him a full account of his administration. In cases where no administrator should have been appointed, the justices of the peace in petty sessions might appoint an interim curator of the property of the convict, upon application of any person who should be able to satisfy such justices that such an appointment would be for the benefit of the convict, or his family. The powers and duties of the interim curator would be generally the same as that of the administrator, and would abate on the appointment of an administrator in due form. There was one other provision in the Bill to which he desired to bring under their Lordships' notice. The 31st clause repealed the barbarous provisions of the statutes still, he was ashamed to say, in existence, by which it was enacted that the judgment required by law to be awarded against persons adjudged guilty of high treason should include the drawing of the person on a hurdle to the place of execution, and, after execution, the severing of the head from the body, and the dividing of the body into four quarters. Henceforth, this relic of the barbarism of our ancestors would cease to disgrace our statute book. The Bill had passed without the smallest opposition in the other House, and was referred to a Select Committee, by whom certain alterations were made; after which it received the marked approval of Her Majesty's Government through the Home Secretary. He trusted their Lordships would now read the Bill a second time, and he would then postpone the next stage for a fortnight or more, in order that the measure might receive the attention of his noble and learned Friends, and also, as he trusted, of his noble and unlearned Friends.

Moved, "That the Bill be now read 2ª."—(*The Lord Westbury.*)

THE LORD CHANCELLOR said, that the principle of the Bill was one which all their Lordships would approve, and that the Select Committee by whom its details had been scrutinized was so constituted as to entitle it to confidence.

Motion *agreed to;* Bill read 2ª accordingly; and *committed* to a Committee of the Whole House on *Monday* the 20*th June* next.

NORWICH VOTERS' DISFRANCHISEMENT BILL—(No. 88.)

(*The Lord Chancellor.*)

COMMITTEE.

House in Committee (according to Order).

Clause 1 (Disfranchisement of certain Voters of the City of Norwich).

Clause 2 (Persons against whom proceedings have been instituted not disqualified until adjudged guilty of bribery).

LORD CAIRNS said, he had to propose an Amendment to provide for a case so very peculiar that he thought their Lordships would admit that it justified exceptional treatment. The Commissioners appointed by the Crown to inquire into corrupt practices at the last Norwich Election entered at length in their Report into a transaction in which Mr. Edward Stracey, son of one of the candidates, and a Mr. Allen were concerned. According to the Report, a consultation occurred on the polling day between Stracey and Allen respecting the expenditure of £200 in bribery, Mr. Arthur Bignold being also present, and the Commissioners on account of this transaction scheduled the last-named gentleman as a briber. According to Allen's evidence, however, Mr. Bignold, though he knew of the arrangement, took no active part in it, remarking that it was not a bad idea, but was a dangerous one. The Commissioners inserted Mr. Bignold's name in Schedule A on that evidence. It naturally became the duty of the Attorney General, on the Report being issued, to consider whether he should not prosecute the persons therein scheduled as guilty of bribery; and the hon. and learned Gentleman, in a speech on the Beverley and Bridgwater Disfranchisement Bill, remarked that the duty was a very painful one, but that he had no choice but to prosecute where there seemed a proper case for a jury. The Attorney General accordingly filed a criminal information against Mr. Stracey, the entire case against him resting on this same transaction, and Allen was again examined as a witness; but, as often happened, a witness who, under the manipulations of somewhat eager Commissioners, told a very lucid story, before a Judge and under the examination of counsel adopted a different course. The result was that Stracey was acquitted; and as the present clause provided that no person against whom any criminal proceedings had been instituted by the Attorney General should be disqualified under the Act until he had been adjudged guilty of such bribery, he would be exempted from the operation of the measure. As to Mr. Bignold, the Attorney General came to the conclusion that there was no case to go to a jury, and no prosecution was instituted against him. Now he had received from a Member of the House of Commons and also of the Bar a communication, which he understood he was at liberty to use, and which was in these terms—

> "I have seen the Attorney General, and he acquiesces in being quoted as saying that the only matter in which Bignold was implicated was that on which the charge against Stracey rested, and that the evidence connecting him with the offence charged was less than that upon which Stracey was acquitted."

From this it was quite absurd to suppose that any criminal charge could have been substantiated against Mr. Bignold. Moreover, before the issue of the Commission, the election inquiry now provided had been held before Mr. Baron Martin, and in the course of the inquiry the name of Mr. Bignold was not mentioned; and Mr. Bignold, therefore, did not think it necessary to present himself before the Commission for examination, not supposing that any charge would be brought against him. He admitted that, as a rule, the Reports of the Commissioners should be accepted, and that Parliament was not to sit as a Court of

Appeal to revise their decisions. The Commissioners, however, apparently attributed the absence from the country both of Stracey and Bignold at the time of their inquiry, to a desire to avoid giving evidence which would criminate themselves; but the latter had informed one of the witnesses before the Commission issued that he was going abroad as usual for the benefit of his health; but exceptions necessarily arose, and in the Beverley and Bridgwater Bill a person who had been included in the Schedule of the Commissioners' Report was excluded from the operation of the Bill; and what he proposed was that similarly Mr. Bignold's name should be made an exception in this case. The case against Bignold was so weak and unsatisfactory that proceedings against him would inevitably have resulted in an acquittal, and it was, therefore, obviously just that he should be put in the same category as those who were referred to in the 2nd clause.

Amendment *moved*, to leave out ("No") and insert "Neither Arthur Bignold, mentioned in Schedule A. annexed to the said Report, nor."—(*The Lord Cairns.*)

THE LORD CHANCELLOR said, he quite agreed with his noble and learned Friend that as a rule it was undesirable to try over again questions which had been tried by Commissioners in whom confidence must naturally be placed. Their Report was, of course, sifted like any other judgment or public document; but it was impossible to enter into minute distinctions as to particular cases, and there was no further opportunity of sifting the matter and coming to a more correct conclusion. A strong representation had been made to him with reference to another person the case against whom was not very strong, but who happened to be in England at the time of the inquiry; whereas Mr. Bignold had apparently the good fortune of not being in England. Looking at the evidence he was bound to say that the case against the latter was not brought up to conviction. It was one of very grave suspicion; but the Commissioners were not entitled, on account of his absence, whatever the cause of it might be, to draw a conclusion in a matter requiring proof. There was no doubt that £200 was obtained by a publican named Webster, and was employed for the purpose of bribery, the arrangement being discussed by Allen and Stracey in the presence of Bignold; and Allen in his evidence made every attempt to excuse Bignold, afterwards seeing him and telling him it was all right. That, of course, was not sufficient to convict Bignold of bribery, and he thought the Commissioners had erred in that respect. He should, however, have been loth to enter into the case were it not for the fact that Stracey had been tried for the same transaction and acquitted. He did not suppose the Attorney General would think of prosecuting every person in a list of 150 names against whom the offence seemed proved—he would naturally prosecute those who most deserved prosecution, and Stracey was obviously such a person. On the ground of his acquittal, and not on the mere ground that Bignold had not been prosecuted, he acceded to the Amendment.

On Question, *agreed to;* Amendment made: The Report thereof to be received on *Monday* the 13*th of June* next; and Bill to be *printed*, as amended. (No. 128.)

BRIDGWATER AND BEVERLEY DISFRANCHISEMENT BILL.

(*The Lord Chancellor.*)

(NO. 87.) COMMITTEE.

Order of the Day for the House to go into Committee, read.

LORD COLCHESTER said, he must beg leave to say a few words before going into Committee. The Government had thought right to press the second reading of this measure at a late hour when the House was nearly empty. There seemed to be a false impression that it was intended to attack the Judges as to this matter. On the contrary, the proceedings of the Commissioners which were complained of had been considered by Her Majesty's Judges, and an unfavourable opinion had been pronounced with regard to them by no less an authority than the Chief Justice of the Queen's Bench. What he desired, however, to bring under their Lordships' notice was — not the wit or sarcasm of the Commissioners, for that had met with sufficient reprobation in public estimation—but the cruel and undeserved attack which was made in the Report itself on a large and innocent body of men. There was a wide distinction between the old constituency of Bridgwater, which was undoubtedly corrupt, and the 800 voters added by the late Reform Act. The Commissioners stated that a witness (Mr. Barham) had described the new voters as standing about to be bought like cattle at a fair. He had really said nothing as to new voters. Of these only 12 were proved to have been bribed; and yet they were all involved in one common censure. The total number of persons bribed at the last election was 57 out of a constituency of 1,500. Undoubtedly, the past experience of Bridgwater was unfavourable, and, therefore, he did not ask the House to reject this Bill; but in common justice they ought not to confound the innocent with the guilty. He had no personal interest to serve in bringing forward this question; and, looking to the antecedents of Bridgwater, the course which he was taking could not be said to have any party purpose in view. It might be remembered also that he had refused to join in opposing the issue of the Commission to inquire as to the Dublin freemen; but, certainly, if that Commission had been conducted in the same spirit and manner as the kindred inquiry at Bridgwater it was hardly probable that it would be attended with beneficial results in a public point of view.

THE EARL OF FEVERSHAM said, there was one result of these Disfranchisement Bills which occasionally was lost sight of, and that was that, by throwing the voters of the disfranchised borough into the county constituencies the relative strength of parties was altogether disturbed. There was a very strong feeling in Yorkshire that the seats which were taken from Beverley ought not to be lost to the county, and he begged accordingly to ask the noble Earl opposite whether he could give any intimation to the House as to the probable destination of the seats which were to be taken away under this Bill?

EARL GRANVILLE was very sorry—but he was not in a position to give any answer to the question.

House in Committee.

Clause 1 (Disfranchisement of Bridgwater and Beverley).

Lord Colchester

THE MARQUESS OF SALISBURY said, he thought the time had arrived when he might fairly make a suggestion to the noble and learned Lord on the Woolsack. There could be no doubt that these Election Commissioners had carried out the powers with which they were intrusted with a very high hand, and that in one instance they had been censured by a legal authority whose rank only yielded to that of the noble and learned Lord himself. He was sorry, therefore, to hear the noble and learned Lord on the Woolsack speak in terms of approval of the manner in which these Commissioners conducted their inquiries. Considering that theirs was a strictly penal investigation, upon which future legislation was intended to be founded, he must say that their inquiries had been conducted in a spirit alien not only to the practice of English Courts of Justice, but, as far as he knew, to the practice of Courts of Justice anywhere. No doubt, cross-examination to the point of torture was applied by *juges d'instruction* to prisoners accused of crime; but that was with the object of obtaining information for the purpose of the particular criminal proceeding, not with a view of eliciting answers upon which penal legislation could afterwards be founded. It was the peculiarity of these Election Commissioners that the witnesses had been tortured by bullying and browbeating in a way that no Law Officers since the days of Chief Justice Jeffreys had ever attempted; and upon the evidence so obtained they were asked to proceed by legislation. He confessed that, for his own part—and he doubted not the case was so with others—he had been slow to speak upon this subject, knowing that the crime of bribery had grown to a very great height, and that it was most desirable it should be repressed. But, in connection with the present Bill, he certainly should have expected from the highest legal authority something like a repudiation of a mode of investigation that was utterly alien from all previous practice. If there was anything that would turn the sympathies of Englishmen — which at present were strongly in favour of purity of election — in favour of persons who were guilty of bribery it would be the manner and spirit in which these election inquiries had been conducted.

LORD **LYVEDEN** thought the fault lay in the manner in which these Commissioners were selected; and he could not help observing that, in the case of Bridgwater, one of the Commissioners was evidently a person that ought never to have been appointed. His proceedings in every stage had been of a most intemperate character—intemperate at Hong Kong, and in the Court at Bridgwater as now in Bombay. There never was a man more manifestly unfit for the duty which had been assigned to him. He had conducted the inquiry in a most unbecoming and indecorous manner. The Commissioners were appointed at so much—£5 5*s.*—a day; and it was perhaps after all not surprising that the inquiry should have been so protracted, as the Commissioners having little practice in the Courts, were only too glad to be employed during the whole of the long vacation. That was not the manner in which these inquiries should be conducted; they ought to be conducted with something like solemnity, so as to carry with them the influence of authority, instead of in such a manner as to excite the ridicule of the Bar and of the public.

THE **LORD CHANCELLOR** said, he was quite unconscious of having spoken in terms of high approval of the way in which these Commissioners had conducted their examinations. What he did say was, that having entrusted a certain investigation to Commissioners, they must be prepared to repose some degree of confidence in them. For himself, he was unwilling to go behind this Report in order to consider the conduct of gentlemen who had been entrusted with judicial functions; and nothing but a very strong case could have justified the noble Marquess in asking him to express an opinion condemnatory of their proceedings. He was not disposed to give any such opinion. He was too much occupied by his usual judicial business to have been able to inform himself minutely on these matters; and he could not take on himself to pronounce any opinion on the conduct of one set of Commissioners or another; and to pass a general censure on all Commissioners would certainly be far from becoming in one holding the position which he did in a profession the members of which he had always honoured and esteemed. Whenever there had been any particular delinquency brought before their Lordships, or in any other quarter, he had endeavoured to discharge his duty; but he would not volunteer to perform so invidious a task as had been assigned to him by the noble Marquess.

THE MARQUESS OF **SALISBURY** said, he had not asked the noble and learned Lord to perform any such invidious task as he supposed: what he complained of was, that the noble and learned Lord should have expressed approbation of the procedure before these Commissioners, although he had at hand the means of knowing how high-handed these proceedings sometimes were. No doubt, in some cases these inquiries were carried out in a more odious manner than in others; but in the case of Beverley, as the noble and learned Lord must have been aware, they had been occasion of public scandal. He thought that a system of procedure which admitted of such things without reproof was likely to produce an injurious effect on the public mind.

Amendment made: The Report thereof to be received on *Monday* the 13*th* of *June* next; and Bill to be *printed* as amended. (No. 129.)

REAL ESTATE SUCCESSION BILL.

QUESTION.

LORD **REDESDALE** asked the noble and learned Lord on the Woolsack, as to the intentions of Her Majesty's Government with respect to the Real Estate Succession Bill? That was one of the measures announced in the Speech from the Throne to be brought forward by the Government; it was, therefore, to be presumed that they had made up their minds on the subject before Parliament met. He need not say that a measure relating to the succession to real estate must have a most important bearing on the constitution of their Lordships' House, and all the Members connected with it. On a former occasion—on the 17th of February—when the question regarded the business before the House, he drew particular attention to that Bill, and suggested that it was one which might very well originate in that branch of the Legislature. No notice was taken of that suggestion; but, on the 18th of March, the Bill was brought in and read a first time in the other House of Parliament. Notice was also given of the second reading for the 28th of March. That day came, and the Bill was deferred till the 2nd of May. It was afterwards deferred till the 16th, and then, on Friday, the 13th, it was deferred till the 16th of June. There it now stood. But the most extraordinary thing connected with the Bill was that, though brought in and read a first time on the 18th of March, it was not printed, or in the hands of any one till the 13th of May. He thought such procedure very unusual. The Bill, as he had stated, now stood for a second reading on the 16th of June, and was not likely to reach their Lordships' House till that period of the Session when it would be extremely difficult to consider it. Under these circumstances, he should like to know the reason for all this delay, and what the intentions of Her Majesty's Government were with respect to this Bill?

THE LORD CHANCELLOR thought his noble Friend had certainly travelled a little beyond his Question. He was prepared to give an answer to the Question, of which his noble Friend had given Notice, What were the intentions of Her Majesty's Government with respect to the Real Estate Succession Bill? but he confessed he was not prepared to answer him categorically as to all the proceedings in relation to it in the other House, although, if his noble Friend had apprized him of his wishes in that respect, he should have been prepared with all the dates and figures. The Bill had been prepared for some time; but the subject was by no means an easy one. Though the Bill was confined to a very few clauses, the subject was one for very grave and anxious consideration. It was considered in its principle, of course, before it was announced, and also after it was announced in its details. It was announced with the expectation that it would have a very liberal acceptance on the part of the legal profession; but a very eminent member of that profession announced in the other House, on its introduction, that it would be opposed. The Bill then became an opposed Bill, and their Lordships might take almost judicial notice of the fact that the Irish Land Bill had been for some time pending in the House of Commons. A very considerable time had also been occupied, and a good deal more would be spent, in discussing other Bills—the Education Bill, the Universities Bill, the Extradition Bill, and two or three others, all of which would require to be brought on in due course. The Bill in question had been set down on the earliest day that could be conveniently fixed, regard being had to the progress of other measures of more leading importance which must be carried through. Like other measures, it must take its chance of being discussed in regular course. It was the intention of the Government to proceed with the Bill, and, if possible, to carry it up to their Lordships' House. If that was not possible, they could do nothing more than retain it for another opportunity. At the same time, he could not sit down without saying that, notwithstanding all the noble Lord's exhortations that these legal Bills should be introduced in that House, he did not find, practically, much encouragement to follow the suggestion; and he certainly was not disposed to take that course.

DEBTORS (IRELAND) BILL [H.L.]

A Bill for the abolition of Imprisonment for Debt and for the punishment of fraudulent Debtors in Ireland, and for other purposes—Was *presented* by The Marquess of CLANRICARDE; read 1ª. (No. 126.)

PRAYER BOOK (LECTIONARY) BILL [H.L.]

A Bill to amend the Law relating to the Table of Lessons contained in the Prayer Book—Was *presented* by The LORD CHANCELLOR; read 1ª. (No. 127.)

House adjourned at Seven o'clock, to
Monday the 13th of June
next, a quarter before
Five o'clock.

HOUSE OF COMMONS,

Tuesday, 31*st May*, 1870.

MINUTES.]—NEW WRIT ISSUED—*For* the Isle of Wight, *v.* Sir John Simeon, baronet, deceased.

SUPPLY—*considered in Committee*—NAVY ESTIMATES.

Resolutions [May 30] *reported.*

PUBLIC BILLS — *Second Reading* — Vaccination Act (1867) Amendment [126], *debate adjourned.*

Considered as amended—Sale of Poisons (Ireland)* [140].

Third Reading—Benefices* [141]; Metropolitan Board of Works (Loans)* [132]; Turnpike Trusts Arrangements* [129], and *passed.*

The House met at Two of the clock.

ARMY—MILITARY RESERVE FUNDS.

QUESTION.

COLONEL NORTH said, he would beg to ask the Secretary of State for War, Whether the recommendations contained in Paragraphs 15 and 18 of the Report from the Select Committee on Military Reserve Funds have been carried into effect—namely, that the Reserve Fund should be wound up and the balance paid into the Exchequer; and, if so, whether a sufficient sum has been taken in the Army Estimates to defray all payments formerly charged on the Reserve Fund?

MR. CARDWELL: Sir, the recommendations of the Committee have not been carried into effect by carrying the balance to the Consolidated Fund, as I thought the Reserve Fund was affected with a trust for the officers of the Army, by whose contributions it has been raised, and ought not to be paid into the public account. The course actually adopted has been this—Last year, for the first time, the application of the fund was submitted to the control of Parliament in one of the Votes. It is not at present in an affluent state owing to the recent reductions in the Army. The only increment asked for from the Votes is for the purpose of purchasing first commissions rendered vacant by the reduction in the number of subaltern officers.

SAVINGS BANKS.—QUESTION

SIR JOHN LUBBOCK said, he would beg to ask Mr. Chancellor of the Exchequer, Why the excess of interest paid to the Trustees of Savings Banks during the year 1869, over that received by the Commissioners, amounted to £217,254 15*s.* 10*d.* while the excess for the year 1868 was only £17,091 11*s.* 2*d.*?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he had not had a very long time to look into that Question, and therefore, perhaps, could not give the full answer which his hon. Friend desired. In substance, however, the answer was, that the amount which was paid to the Commissioners for the Reduction of the National Debt on account of the savings banks for terminable annuities in 1868 was £2,780,000, and in 1869 only £2,258,000, so that there was a difference between the two years in the amount of the payments of £522,000. The cause of that difference was the arrangements—which he had not had time fully to go into so as to state their details to the House—made as to the period for paying those annuities, with a view to the convenience of the public balances.

OPEN COMPETITION—CIVIL SERVICE.

QUESTION.

MR. WINTERBOTHAM said, he would beg to ask the First Lord of the Treasury, Whether he is able to state what steps have been taken for "the establishment of a system of open competition on an extended scale" in the Civil Service, in accordance with the expectation held out to the House on the 10th of April 1869, and renewed on the 25th of February 1870?

MR. GLADSTONE: Sir, in redemption of the pledge we gave at earlier periods of the Session, we have steadily prosecuted the measures which were contemplated in the discussions that occurred in this House. The arrangements connected with open competition, and connected with other elements of change in the offices that attach themselves to the subject of open competition, are now in a very forward state, and we hope in the course of a very short time—probably, in two or three weeks—to be able to lay on the Table of the House conclusive documents relating to the matter.

EDUCATION BILL.—QUESTION.

MR. WINTERBOTHAM said, he wished to ask the Vice President of the Council, Whether the power of withdrawal during the time of religious instruction given by the Time Table Conscience Clause in the Government Amendments authorize withdrawal from the school during that time, or only withdrawal from the lesson?

MR. W. E. FORSTER: I must point out to my hon. and learned Friend the actual wording of the time-table clause. It has been carefully worded, and it is intended to carry out its exact meaning. The last line of that clause says—

> "The scholar may be withdrawn by his parents from such observance or instruction without forfeiting any other benefit of the school,"

such instruction being instruction in religious subjects. The power of withdrawal is withdrawal from the instruction, not from the school. Of course, the clause must have that interpretation; but the way in which it will practically work will be this—that if the school is so managed that the child can be put to other instruction—as, for instance, sent to another class-room, then it will be in the power of the managers to send the child to that other instruction; whereas, if the school is so arranged that it would be impossible for him to be withdrawn from the religious instruction without being withdrawn from the school, then the child will be withdrawn from the school.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

NAVY ESTIMATES.—OBSERVATIONS.

MR. CORRY said, it would be in the recollection of the House that, on the first evening devoted to the Navy Estimates, the Secretary to the Admiralty made a statement, from which it was made to appear that certain stocks of victualling stores and Navy clothing were not only extravagantly, but absurdly in excess of the requirements of the service. The statement caused a great deal of merriment at the expense of former Boards of Admiralty, including all that had been in Office since 1854, and, therefore, various Liberal Boards. On hearing the statement he was satisfied that the hon. Member had found "a mare's nest," and although a Return was afterwards laid on the Table which afforded a literal confirmation of the hon. Gentleman's statement with regard to Deptford Victualling Yard, a single glance at it was sufficient to show that it was absolutely valueless as a confirmation of the impression which that statement was intended to convey. It was so for two reasons—first, because it specified the quantities in store in, and the issues from, one victualling yard only; and secondly, because it showed the issues during only one year, instead of on an average of years, by which alone a correct estimate could be formed of the requirements of the service. Of the three principal victualling yards—Deptford, Gosport, and Plymouth, Deptford was the least calculated to throw any light on the subject; because, while it was the principal depôt of stores for the supply of other yards, it was the yard from which the smallest direct issues were made to Her Majesty's ships, more especially since the abolition of Woolwich Dockyard. The issues of stores might be very large in a given year without there being any great demand on Deptford within that year. Suppose at the commencement of a year there were 5,000 bottles of wine in store at Gosport, and 4,000 were issued in the year to the ships in the Portsmouth harbour and at Spithead, that issue might occur without there being any demand on Deptford for the year; but, in the following year, there would be a demand on Deptford to replenish the stock at Gosport. Again, nothing was more uncertain than the quantity of clothing which would be required for seamen in the course of a year. Clothing was not supplied to sailors as it was to Marines, gratuitously; and you could not tell in respect of sailors, as you could of Marines, how many jackets and other articles would be required, for it was quite optional with the sailor, so long as he was dressed according to the regulation, whether he obtained what was necessary under the regulations respecting dress during the course of the year, and whether he obtained it at the slop-shop or from the Government stores. Moreover, the descriptions of clothing required depended in a great measure on accidental circumstances. The hon. Member complained that the stock of warm clothing was excessive in relation to the issues last year; but these would have been much larger if the Channel Squadron—one of the largest divisions of the fleet—had wintered, as usual, on the Home Station, instead of in a warm climate—between Lisbon and the Azores. As, for these reasons, it was obvious that the Return of the hon. Gentleman opposite was not worth the paper on which it was written, he thought it his duty to move for a more comprehensive Return, which he thought would show the real aspects of the case, and it was this Return to which he wished to call attention. The Return embraced the total quantities of stores in each of the three victualling yards of Deptford, Gosport, and Plymouth, the prices at which the purchases were made under the last contracts, the date of the last purchase or contract—a point which was material as bearing on the censure implied on former Boards—the quantities issued during each of the last three years, the average issues for periods of three, five, and seven years, and the length of time the quantities in stock would last on each average. In the first place, he would proceed to show what would have been the state of the case if he had done as the hon. Gentleman had done, and if, in 1868, when preparing the Navy Estimates, he had called for Returns of the stock, not in one, but in the three yards, and had compared those Returns with the consumption for the preceding year. If he had done so they would have shown a very different state of things from that shown by the hon. Gentleman, and, in hardly any instance, would the stock have appeared excessive. He did not know what the stock was on the 1st of January, 1868; but he would assume it was the same as it was on the 1st of January, 1870. The hon. Gentleman had said that, on comparing the store of essence of beef at Deptford in 1870 with the issues in 1869, there was in hand a seven years' supply. The total quantity was 103,900 quarter pints; in 1867, 38,500 were issued for Abyssinia, and 61,200 for general service; so that the stock would have been equal to a supply for one year and eight months, instead of seven years. The hon. Gentleman further said that there was a stock of four years' pickles in hand. The total value of the stock in all the yards was £14; and the value of the stock in the Deptford Yard was £6 9*s.* 2*d.* It must be gratifying to the House to know that the hon. Member would effect a great saving under this head. The total quantity was 1,305 quarts, and the issues in 1867, after abating 427 quarts for Abyssinia, were 1,370 quarts, so that he (Mr. Corry) would have found a stock less than was necessary for one year's supply, instead of for four years. These two articles—essence of beef and pickles—were the only articles of which the Return showed any extra issues on account of Abyssinia. Next, the hon. Member said there was 6½ years' supply of white wine. The total quantity was 22,700 bottles; the issues in 1867 were 17,800 bottles; so that there would have been a supply for about 15 months instead of 6½ years. If the hon. Gentleman thought this was an extravagantly large stock he himself must share the responsibility, for the last purchase, as stated in the Return, was made under a contract dated 1869, five months after the service had the advantage of his superintendence of the purchase department. The hon. Gentleman next said there was a supply of saloon candles for 10¾ years. The total quantity was 45,500 lb., and the issues in 1867 were 18,000 lb., so that there would have been a supply for two years and six months instead of 10¾ years. He admitted that the quantity was larger than was necessary; but this, he was informed, was owing to a mistake of a clerk in demanding candles instead of pounds. He now came to the famous foot-pieces for stockings. The hon. Member in his speech had said—

> "There was an article called foot-pieces for stockings for men. This must have been a nice little job in times past. He had found no less than 50 years' supply of these articles."

The job must have been a very little one, because the entire value of the whole stock was only £285. The entire stock was stated to be 9,700, against an issue in 1867 of 6,500; so that, if he had called for a Return to guide him for the Estimates for 1868, he should have found the supply equal to about a year and a-half's consumption instead of 50 years. The history of these foot-pieces was this—In 1866 some benevolent individual suggested to the Duke of Somerset's Board that, as the feet of the men's stockings wore out before the legs, and Jack was very handy with his needle, it would be well that new foot-pieces should be supplied in order that they might be joined on to the sound legs, and accordingly a number of the foot-pieces were purchased with that view. At first these foot-pieces were very popular in the Navy, and in 1867 no less than 6,500 were demanded. For some reason, however, their popularity soon declined, and the consumption fell to 2,506 in 1868, and to 480 in 1869. Perhaps none were being used in 1870, and the hon. Member might then say that there were enough of them in stock to last till the Millennium instead of for 50 years. Then, as to the blue cloth No. 2, with respect to which the hon. Member was more facetious than upon any other article. The hon. Member said—

> "The right hon. Gentleman talked of starving the Navy, and said they had no cloth—no clothing for the Marines! Good gracious! Of blue cloth No. 2 they had 7¾ years' supply."

Now the quantity of blue cloth No. 2 actually in stock, on the 1st of last January, was 35,600 yards, being about half-a-yard per man, while the issue in 1867 was 17,700 yards. Thus the stock would only have met the consumption of two years, instead of 7¾ years. But the best part of the joke was that the hon. Member himself was responsible for any excess in the store of this cloth, because the last purchase of blue cloth was made by himself, under a contract of the 29th of May, 1869. The hon. Member stated that the number of Flushing jackets in stock was equal to 13 years' consumption, whereas the number in stock was 8,900, while the issue in 1867 was 2,800. Thus, the amount of these articles in stock could barely have exceeded three, instead of 13, years' consumption. He had been told that this description of clothing had become unpopular in the Navy; and, as he had already shown, the demand for articles of warm clothing depended, in a great measure, on accidental circumstances. The hon. Member had stated that there was 3½ years' consumption of comforters in stock, whereas there was only one year and four months' consumption in stock, calculated on the demands in 1867. Again, of striped shirting, the hon. Member stated that there was five years' consumption in stock, whereas, at the rate of the demands in 1867, there was really only a sufficient supply in hand for one year and two months. In respect of these two last articles the hon. Member was, again, himself responsible, because he had purchased large quantities of them under a contract of May, 1869. The hon. Member had stated that there was seven years' supply of towelling in hand, whereas there was really only two years' supply in stock, at the rate of the issues in 1867. The total quantities in stock on the 1st of January, 1870, in relation to the total issues of 1867 in no case exceeded three years' supply, and in only four out of the ten instances given did it exceed two years' supply. Had he, therefore, adopted the course taken by the hon. Member, and called for Returns of quantities in store, assuming them to be the same as in January last, and the issues for the year 1867 in preparing the Estimates of 1868, he should have found nothing very excessive in respect of the articles enumerated. The figures he had quoted showed the total quantities in the three yards on the first of January, 1870, and the time they would last at the rate of issues in 1867, the year preceding that of his Estimates for 1868-69. He would now take the entire quantities of these articles in stock on the 1st of January, 1870, and in the three yards, and would compare them with the issues during the last three years, instead of in one year, and from one yard only, as had been done by the hon. Gentleman. Essence of beef was sufficient for two years and one month, instead of for seven years, as stated by the hon. Member; pickles, for one year and six months, instead of for four years; white wine, for two years and two months, instead of for six years and six months; saloon candles, for three years, instead of for ten years and nine months; foot-pieces for stockings, for three years, instead of for 50 years; blue cloth, No. 2, for two years and seven months, instead of for seven years and nine months; Flushing jackets, No. 1, for five years, instead of 13 years; comforters, for one year and nine months, instead of for three years and six months; striped shirting, for one year and ten months, instead of for five years; towellings, for two years and seven months, instead of for seven years. Therefore, taking the entire quantity in stock, it only in one instance exceeded three years' expenditure on the average of three years. The hon. Member, by taking only one yard and one year, had given an entirely false impression of the actual state of things. On the average of five years the stock in no case exceeded 3½ years' consumption, and on the average of seven years in no case exceeded the consumption of 3 1-6. The entire value of the various articles enumerated in the three yards was £45,203. The value of the stocks of which the last purchases were made before the present Board came into Office was £18,579, while the value of the articles of which the last purchases were made by the present Board was £26,625. The hon. Member's statement referred to Deptford Yard only, where the entire value of the stock amounted to no more than £38,000, but he informed us that in consequence of his discoveries in that yard he had advised the reduction of the

Victualling Vote by £47,000. It would be interesting to know on what principle he had given this advice, as it might throw some light upon the manner in which the large reductions effected by the present Board of Admiralty had been made under the various heads of expenditure.

MR. BAXTER said, the right hon. Gentleman had characterized the Returns which he had laid upon the Table of the House as worthless; but he submitted that the figures of the right hon. Gentleman were both false and misleading. The right hon. Gentleman had taken no account whatever of the stocks in the depôts abroad, or of the recent reduction in the number of men, which had been reduced from 72,000 in 1864 to 61,000 in 1870. The statements he had made on a former occasion had been founded on the result of inquiries instituted by the Captain Superintendent of Deptford Dockyard, whose zeal and ability he trusted the Admiralty would not suffer to pass unnoticed. The officers who had conducted the inquiry had expressly informed him that the year 1867, which had been taken by the right hon. Gentleman as the basis of his calculations, was so exceptional that it must be altogether excluded from the inquiry on account of the Abyssinian War.

MR. CORRY stated that he had expressly excluded the items applicable to the Abyssinian War from his figures.

MR. BAXTER observed that those items were so mixed up with the other matters that it was impossible to separate them. The right hon. Gentleman had complained that he omitted in his statement to refer to certain dockyards, and had confined himself to Deptford; but the right hon. Gentleman knew the stock in these yards was exceedingly small; and the right hon. Gentleman had also remarked that if he had gone some years further back, he would have found much larger quantities of surplus stores. In reply, he said he could only speak as to what he found when he came into Office; and what he did find was great excess in the public Departments. The right hon. Gentleman had also remarked that he (Mr. Baxter) must bear his share of the responsibility, as he was at the head of the Department when some of this surplus was accumulated. He was willing to share the responsibility attaching to him; but the House would remember that he had many other things to do at the time, and that was the reason he had been foolish enough last year to order a quantity of articles, of which there was already five or six years' supply in the yards. The right hon. Gentleman had spoken of white wine returned during the Abyssinian War. The excessive supply in this case arose from an error by a clerk in the victualling department, who wrote gallons instead of bottles, and caused the delivery of six times the quantity wanted. Very much the same thing occurred with respect to candles. The history of the stockings, as it had been told him by an hon. Member whom he had no reason to doubt, was simply this. A gentleman in the Midland Counties, with "a bee in his bonnet," conceived the notion that one pair of stocking legs would wear out three pair of stocking feet; and he thought it exceedingly probable that the sailors of the fleet, having little to do, could spend their time in knitting the feet to the stockings. Nobody, however, would buy his wares, until, by some mysterious influence at the Admiralty that never could be explained, he got them to take the greater part of his stock. The other day, what was left of it, was sold for mere waste by his hon. Friend the Member for Sheffield. As regards blue cloth, the right hon. Gentleman had stated that there was only two and a-half years' supply; but he had been assured by the officials that there was not less than eight and a-half years' stock; and, notwithstanding this, he was this year asked to buy 2,000 yards more. The result of these discoveries was, that the Government were able to take off at the last moment, £43,000. The savings in the Victualling Vote alone amounted to no less than £150,000 on the current year. He was not surprised the right hon. Gentleman should have been mislead by the information given him by the victualling department from time to time; for, the more he looked into it, the more he was astonished, that a great country should have been conducting its business concerns in so extraordinary a manner. He would give an example or two. Take the article of tea. When that article was wanted, the department, instead of giving an order for it, issued advertisements which contained conditions and fines of all sorts, which vexatious things scared the large dealers away. Then the agents came in —men without capital or an ounce of tea they could call their own—and the same men who took the contract for peas and for wheat generally got the contract for tea. A part of the process was to require a surety from two persons that the contract would be fulfilled; but, strange to say, this was more often than not filled up after the contract had been completed. The document contained 20 clauses; eight to provide against the natural wickedness of all contractors, three essential to the carrying out of the contract, and the rest were lawyers' verbiage. He found a pile of these contracts, six feet high; and he at once sent them to be made into pulp, and many others had shared the same fate. He held in his hand a letter sent from a first-class firm of linen manufacturers to a very able assistant of his, and they said that they regretted to state that it was out of their power to tender for the required articles, as they could not possibly agree to the conditions of the contract stated in the schedule. They said that they could not engage to wash and prepare the article, and they respectfully declined to give sureties for the performance of the contract. He inquired as to the bills of lading used by the Department, and he held in his hand one of these documents. It was contained in 19 pages, and four copies were written out. One was retained in the Department, one was sent abroad, one was for the Commander-in-chief, and another for the captain of the ship. This document contained the cost price of every article, so that the prices all became known to the captain of the merchant ship who carried them abroad. The hon. and gallant Member (Sir James Elphinstone) last night referred to the article of oil, and he seemed to think that, without any consideration, the Admiralty had changed the character of the oil that was used in the Navy. Now, in respect to the article of sperm oil, his attention was particularly directed to the large expenditure made upon it. The last price paid for the supply of that oil to the Navy was £134 a ton. It appeared that in accepting that tender no reference whatever was made to the price current of the day, and it turned out that though the Admiralty had agreed to pay £134 a ton for the article, the price of the same oil quoted in the same week did not exceed £126 a ton. Well, he also thought it his duty to inquire of the best authorities what was the best kind of oil to use in lighting ships. Samples of colza oil were sent to all the ships in the service, and with the exception of one they reported in favour of that description of oil. Consequently, all the vessels in the Navy were now supplied with colza oil, which cost £38 15*s*. a ton, whereas sperm oil cost £134 a ton. On this article alone there would be a saving of between £6,000 and £7,000. Again, an inferior kind of oil was brought from all parts of the South of Europe into London, where it was put into casks, and it was afterwards received by the Navy as Gallipoli oil. Instead of that inferior article—the last price paid for which was £74 per ton—the service was now supplied with different and better kinds of oil, which cost between £40 and £45 a ton. The right hon. Gentleman the Member for Tyrone said last night that under the former system of contracts at the Admiralty it was quite impossible for abuses to arise. He said that Gambier represented he had influence at the Admiralty, whereas, in fact, he had none. This only showed how green the right hon. Gentleman was. He was sorry to say it was perfectly well known in the City that the system of "tipping" prevailed extensively both in London and at the dockyards in connection with these contracts. Indeed, Mr. Gambier had confessed since being sent to prison that a series of items, found entered in his book and embracing columns, represented bribes which he had received in connection with contracts. These, too, were not bribes of £10 or £20, but very much larger sums; and the right hon. Gentleman could not for a moment suppose that commercial houses would go on expending such large sums year after year if they did not gain some proportionate benefit. The way in which the system was worked had been told to the Admiralty by other parties. It appeared that certain tenders made to the Admiralty had been opened, with all solemnity, at Somerset House in the presence of the superintending authorities; but the right hon. Gentleman and the House would probably feel surprised at hearing that other tenders had been opened under different circumstances, and that certain messengers at Somerset House had had keys to open the boxes in which such tenders were kept. Now, that was the mode by which a great deal of those improper practices was carried on. It also, too, often occurred that when the schedule of articles required for the Navy was made up, two or three of the most important articles were purposely omitted. A hint was then given to the contracting party to offer a very low figure for the articles in the schedule, and then, when they obtained the contract, to supply the most important articles omitted, upon the understanding conveyed in a note which was to be found at the foot of each contract—namely, "All other articles required to be supplied at prices fair and reasonable." Now, the meaning of "fair and reasonable prices" in the minds of the contractors was very different from that which other persons would put upon them when applied to the sums set down for the articles in question. The prices charged were, at all events, amply sufficient to repay the contractors for any deficiency they had suffered from the low contract prices of the scheduled articles. He found in some cases that three-fourths of the whole contract were for the supply of the three largest articles which had been thus, as it were, accidentally omitted from the schedule; and as an illustration of the enormous amounts charged by contractors, he might say that for one particular article the Admiralty had been paying 9*s.* 9*d.*, whereas one of the largest houses in the metropolis had agreed to furnish the same for 3*s.* 3*d.* When the Estimates were before the House last year the right hon. Gentleman the Member for Tyrone, amongst other charges against the Admiralty, stated that they had been supplying inferior hemp to the Navy, and that if an unfortunate vessel happened to be driven upon a lee shore the unhappy sailors would have no reason to bless the Government for the strength of the ropes they had furnished them with, and upon which their lives mainly depended. Now, he (Mr. Baxter) had never heard of that circumstance until it was then mentioned by the right hon. Gentleman opposite. On the following day he had made it his business to inquire into the matter, and he found that there was not the slightest foundation for the statement. He felt, therefore, he had reason to complain of the course taken by the right hon. Gentleman, and other ex-Lords of the Admiralty, in going down to the dockyards and putting themselves in communication with discontented admirals and other grumblers, not for the purpose of assisting to put the Navy in an efficient state, but to enable them to repeat in that House some wretched tittle-tattle for which there was not the shadow of a foundation. The present Board of Admiralty had endeavoured, to the best of their ability, to reduce the expenditure, and at the same time to procure the very best articles for the use of the Navy. If, therefore, the right hon. Gentleman could really point out any articles which were of inferior quality, they would be greatly obliged to him. He was convinced, however, from personal visits paid to the dockyards and from the information he had received, that at the present moment the Navy was being supplied with cheaper and better stores than it had ever got before.

Mr. LIDDELL said, that as the Government were endeavouring to carry out a system of economy which was strongly recommended by a Committee of that House, it was only fair that hon. Gentlemen on both sides should suspend their judgment until the new system had been fully and fairly tried. If it were then found necessary to institute a Committee of Inquiry, he was sure that the House would willingly assent to it. It was clear that, in reference to the new purchase system, competent persons were differing in their opinions as to the working of it. It seemed to him that all would go on smoothly and well, provided they had a thoroughly competent man, such as the present hon. Secretary, in the position of Financial Secretary of the Admiralty, he being in fact the head of the purchase department. On the contrary, if that duty devolved upon an incompetent person, and the business unfortunately fell into the hands of subordinates, it was almost certain that a large amount of jobbery would take place; but the same observation applied to every other Department of the State. He did not hesitate to say that the whole system of purchase and sale of stores had been in former times most unsatisfactory, and he was happy to find that there was a reduction to the extent of one-third in mere clerical labour, whilst he had no reason to doubt that a large amount of efficiency was also secured.

Mr. PHILIPS said, he had the honour some years ago of serving on the Contracts Committee, when the existence of many abuses and incongruities was proved. He thanked the Government for what they had done on behalf of the taxpayers of the country. In the new management of the Admiralty it appeared to him that the Board had made a change which was working well both for the service and the country. He, for one, felt thankful to the hon. Gentleman the present Secretary of the Admiralty (Mr. Baxter) for the zeal and ability he had shown in the administration of his Department. There were many people in the country watching with great interest what was taking place.

CHATHAM, PORTSMOUTH, AND DEPTFORD DOCKYARDS.

MOTION FOR A SELECT COMMITTEE.

Mr. CAWLEY, in rising to move that—

> "A Select Committee be appointed to inquire into the circumstances and causes which have led to the large increase in the cost of the works for the extension of the Dockyards at Chatham and Portsmouth beyond the amounts set forth in the Act 28 & 29 Vic. c. 51, and what variations, if any, have been made or ordered from the works described in the said Act; also, whether the works included in the contracts made by authority of that Act, and laid before Parliament, are being executed in accordance with the drawings attached to such contracts, and as to the authority under which alterations have been made, and what has been or will be the effect on the cost of the works by such alterations; also, into the circumstances which have led to the disposal of Deptford Dockyard for an amount so much below the value thereof stated in the Stock Valuation Account,"

said, he did not make this Motion in any hostile spirit to the present Board of Admiralty, nor for the purpose of attacking any individual Member of the Government. The evil to which his Resolution pointed was due to a system which it behoved every Board of Admiralty to sift and investigate. In the Estimates laid before them they found that, for the dockyards of Chatham and Portsmouth, there was an increase of £1,157,000 beyond the amount which was fixed by the Act of Parliament under which those extensive works had been carried on. An attempted explanation of this increase had been given; but that statement contained a fallacy, and did not give a satisfactory reason for this extraordinary difference. He should prove his case from official documents on the Table of the House, to which every Member had access. In respect to the origin of these works, a Commission sat upon the subject in 1861, and a Committee in 1864. In their Report the Committee directed attention to the evidence of two eminent engineers, which went to show that a great saving of expense would result from diminishing as far as practicable the time which it was proposed to occupy in the extension of the dockyards, as experience had proved that the saving effected by convict labour was nearly absorbed by the additional time required; it had been also recommended that contracts for the works should to a considerable extent be entered into and spread over several years. Acting on that view, the Secretary to the Admiralty of the day, Lord Clarence Paget, in introducing the Estimates on the 6th of March, 1865, asked for an additional sum of money, which was to be expended on carrying out contract works, and which he said would greatly expedite their completion. The noble Lord also stated that if the House would not sanction the proposed Estimates he could no longer answer for the works being executed for the sum named. The original estimate was alleged to have been based on the supposition that 2,000 convicts would be employed at Chatham and 2,500 at Portsmouth, whereas the number available had proved far short of those numbers. The next step after the introduction of the Estimates was the passing of the Extension Act of 1865, the Preamble of which recited that it would conduce to economy if the Admiralty were empowered to accept contracts extending over a series of years for portions of the works. But whether it would conduce to economy would depend altogether on the nature of the contracts and the persons employed to carry them out. He would confine his remarks almost entirely to the case of Chatham, leaving it to be understood that they would to a great extent apply to Portsmouth also. In the 2nd Schedule of the Act the maximum time for the completion of the contracts was set down as five years. At this time, therefore, the works should have been very nearly completed, whereas at Chatham some of the most important, and certainly the most difficult, had not been yet commenced. The question as to the employment of convicts could not be satisfactorily answered by the First Lord of the Admiralty or any one connected with the Department, because there were matters connected with the subject which could be ascertained only by the examination of the parties in charge of the works. Any statement made in reply, therefore, must be necessarily a repetition of the reports made to the heads of the Department, and he was afraid there was as much concealment used in these matters as in those to which the Secretary to the Admiralty had just referred. He was not quite ignorant how these things were carried on, because he was professionally engaged against the Admiralty in reference to works that were carried on at Malta; but he would say no further than this, with respect to them, that they were carried on in a way discreditable to every person concerned. Not a single thing had been carried out in the manner prescribed in the original drawings and contracts, and he was afraid the same would be found to apply to Chatham. The first question that presented itself was this—whether the original Estimate was really based upon the supposition that 2,000 convicts would be constantly employed in one place, and 2,500 in the other. He should be sorry to think that a deliberate misstatement had been made by the Director of Works; but from the evidence before the House it would appear that such an estimate was entirely without justification. From a Return of the amount of accommodation at both places, it appeared that before the 1st of March last the number of convicts that could be accommodated at Chatham, including invalids, was only 1,637, the total of effective men being only 1,182; at Portsmouth there was accommodation for 1,289 only, the number of effectives being 877. From the Returns before the House it also appeared that in the spring of last year it was agreed that a portion of the contract work should be taken out of the hands of the contractors, because they had not work for the convicts to do, notwithstanding that the convicts who had from the first been engaged on the works were not one-third of the number at first proposed to be employed. If the Director of Works had been a man of experience, or had been long connected with such works, he would not only have looked to the number of men he could place on the works, but whether the convicts were likely to be had, because upon that depended the economy that was to be effected; and it was clear from the Returns that the numbers alleged could not be obtained. As to the manner in which the contracts were entered into, they were merely contracts at a schedule of prices, and very like the schedules which the Secretary of the Admiralty had described in connection with the purchase of stores. They had attached to them, no doubt, perfect and elaborate plans and sections, but no quantities. It might be true that the works, had they been executed precisely according to the drawings, would have cost what the Director of Works stated; but the question was not whether they were executed according to the drawings alone, but whether the drawings represented all the works that were absolutely necessary for the completion of that which was included in the contract. Having been once commenced, extras came in, and they had not only extra quantities, but an increase in the work of a very expensive character. Works were very frequently estimated on the supposition that the earth was of a certain quality, and it afterwards turned out to be very different. No doubt it was not an uncommon thing for estimates for public works, even when framed by eminent engineers, to be exceeded; but a very easy answer could be given to the latter fact—namely, that in the majority of such cases contracts were made on estimates prepared for Parliamentary purposes, and often necessarily made on a very imperfect knowledge of much that would have to be done, and that frequently men were desired not to look too narrowly into matters lest the estimates should be swelled too high. That, however, was not the mode in which works for a public Department ought to be prepared. The particular works in question, moreover, were no new idea; they had been long in contemplation; it was in the power of the Director of Works to make himself perfectly master of the nature of the soil and the stratification with which he had to deal. He ought to have made himself master of all these things before submitting an estimate to a Government Department to be laid on the Table of that House; and he was equally blameable whether it was want of judgment or want of foresight that had been shown. The hon. Member then described the works undertaken under the Act of Parliament for the enclosing of St. Mary's Island, the erection of a river wall, an embankment, and the construction of three basins, with two docks, one lock, and factory buildings; and he said that of the three large basins projected, only one was nearly completed, the second was in course of construction, and the third—the fitting-out basin—was not yet commenced, although the five years fixed for their completion would expire within a month. Subsequent Acts extended the time fixed for their completion to 1872, although the original intention was, for the sake of economy, to complete them in five years from 1865. He found from the Return of 1868 that Colonel Clarke's alternative estimate was £1,250,000, assuming that at least 2,000 convicts would be available. A Return had also been made a few weeks ago, from which it appeared that a portion of the work as to the river wall was completed previous to the Act of 1865; and that accounted for the difference between the estimate of £1,250,000 and the sum mentioned in the Schedule. The Director of Works stated in 1868, that the works had been constructed in great part by convict labour; but in his Report just laid before the House, in explaining the quantity of work that had been done, he stated that the number of convict labourers in the early part of the contract did not exceed 700, and he added that the sanguine expectations formerly entertained of convict labour, and that works of an elaborate and difficult character might be executed by them, had not been realized, but that experience showed that forced labour was not so inexpensive as it was supposed to be. He also said that the services most urgently required from the convicts was for the completion of the river wall and the formation of bricks; but the former work proved to be so unsuited to them that their employment on it had in a great measure to be abandoned. In that opinion he (Mr. Cawley) entirely agreed; but he contended such a result ought to have been foreseen. There were several contracts besides those he had mentioned which had not been laid on the Table of the House, including one for a wharf at Gillingham, estimated to cost £40,000, but on which a largely increased sum had been expended, in consequence, as Colonel Clarke explained, of various unexpected circumstances. One reason assigned was that, to obviate opposition from the local authorities, a clause was introduced in an Extension Act; but no Act containing such a clause was to be found in the Library, and he was inclined to think that the explanation was a suppositious one, based on a dreamy remembrance of a dispute with the local authorities. Speaking generally, Colonel Clarke had shown conclusively the impropriety of employing convict labour in works connected with docks; but if the original estimate were made on the supposition that convicts were not what they were afterwards described to be, blame must be attached to those who made it for want of forethought and consideration. That penal discipline could not be adapted to tidal variations, and that paid labour would, therefore, have to be resorted to, were matters which ought to have been known beforehand. Some explanation was required of the fact stated in the Return, that contracts agreed to be entered into in March, 1869, were not signed and laid on the Table on the last day of May, 1870. Another point of serious import was, that works which had been contracted for as a matter of economy had been taken out of the hands of the contractor for the purpose of executing them with convict and hired labour. The information given in the Papers was enough to satisfy anybody accustomed to large works that these would not be carried out for anything like the sum set down. He should like to have a distinct statement whether it was intended to act in the teeth of the recommendation of the Committee and of Lord Clarence Paget, and to execute these most difficult works with convict and hired labour instead of by contract. What did Colonel Clarke mean by saying now that the factory buildings were not included in the original estimate when they were recited in the Schedule of the Act of Parliament? Surely they were not inserted in the Schedule without a full knowledge of whether or not they were included in the estimate. The statement that they were not included in the original estimate was one which must be received with great jealousy.

There were contracts connected with the supply of machinery and boilers to the dockyards which had never been laid before that House. There was abundant matter in the Reports to justify him in the course he had pursued. It was well known that the contractor for the Chatham Works was in financial difficulties, although the contractors for the Portsmouth Works were not only persons of ability, but were possessed of ample means. The subject of these contracts, however, required a careful investigation. He had included in his Motion a question relating to the sale of Deptford Dockyard; but as the hon. Baronet the Member for West Essex (Sir Henry Selwin-Ibbetson) had given Notice of a Motion upon that subject, he did not propose to enter into that matter further than to say that he had himself failed to reconcile at least two discrepancies. According to the Valuation Return of Admiralty property Deptford Dockyard was worth £387,740, exclusive of movable plant, yet this very property had actually been sold to two persons for a little over £100,000, being only one-fourth of the estimated value. The matter certainly demanded some explanation. The hon. Gentleman concluded by moving his Motion.

Sir HENRY SELWIN-IBBETSON, in rising to second the Motion, said, that after the speech which they had just listened to, he would not trouble the House with any remarks on the general subject. He wished to ask the First Lord of the Admiralty, Whether a part of Deptford Dockyard was sold to Mr. Austin by private bargain for £71,800; if he will lay upon the Table the Correspondence on the subject, and any Papers relating to any other and higher offers that have been made; and further, if he will state the reasons for departing in this instance from the usual practice of a puble sale? In consequence of its being desired to secure a portion of Deptford Dockyard for a new cattle market, inquiries had been made, and it was ascertained that Mr. Austin had recently purchased 22 acres of that dockyard for about £71,000. He had received a letter from a gentleman, on whose authority he could safely rely, stating that the purchaser had refused an offer which would have secured to him a profit of £15,000. This information led him to believe that the nation had lost by the transaction. The official Return, in 1865, set down the value of the land at £134,270, the buildings at £253,470, and the fixed and moveable plant at £24,300, making a total value of £412,040. He had likewise ascertained that an acre of land contiguous to the dockyard, and used simply for storing timber, was sold the other day for £15,000. At this rate the 22 acres purchased by Mr. Austin would amount to £330,000. He had also been informed that a person who was prepared to give from £100,000 to £125,000 for the dockyard had not the least hope of such an offer being accepted, because in his belief the property, if sold in lots, would realize more than £200,000 when it came to be offered for public competition. The House might remember that, at a time of great commercial distress, a Mr. Baxter Langley desired to become the purchaser of Deptford Dockyard, in order that employment might be provided for some of the thousands of men then out of work, and that Mr. Langley was asked £450,000 for the property. [Mr. Baxter dissented.] The hon. Member for Montrose shook his head. If what he said was not correct, he hoped the matter would be satisfactorily cleared up. It was not improbable that the House would be told that the valuation given was not a very sound one; but it had been based upon the price which had been paid for the surrounding land. He was aware that a part of the dockyard had been retained with something like a thousand feet frontage, and a portion of it—he believed over five acres out of 27—had been sold to the ground landlord, Mr. Evelyn, for £27,200. If this was the value of the land, £4,800 per acre would be the full value. But, instead of the £71,800 which represented the money received for the 22 acres, the country ought to have received £105,600. If these statements were inaccurate, it was right the country should be informed in what respect they were so. There was another point upon which he would touch. A statement had been made in *The United Service Gazette* of an extraordinary kind, referring to Chatham and the sale of Deptford Dockyard, and when a statement of such a character appeared in a paper of such authority uncontradicted, it was incumbent on the Government to meet it. The statement, among other things, set forth that the purchaser of the Deptford Dockyard was a Mr. Austin, who was said to be formerly the landlord of a tavern at St. George's Road, Lambeth, afterwards of Peel's Coffee House, Fetter Lane, then joint proprietor with Mr. Henry Essex Bristow (brother of the Solicitor to the Admiralty), of the Beulah Spa Hotel, Norwood, and now a wine merchant in Billiter Street. Having this question brought before him, he felt himself bound, as a Member of Parliament, to bring it before the House, in order that the Government might have an opportunity of stating to the House what were the real facts of the case.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the circumstances and causes which have led to the large increase in the cost of the works for the extension of the Dockyards at Chatham and Portsmouth beyond the amounts set forth in the Act 28 and 29 Vic. c. 51, and what variations, if any, have been made or ordered from the works described in the said Act; also, whether the works included in the contracts made by authority of that Act, and laid before Parliament, are being executed in accordance with the drawings attached to such contracts, and as to the authority under which alterations have been made, and what has been or will be the effect on the cost of the works by such alterations; also, into the circumstances which have led to the disposal of Deptford Dockyard for an amount so much below the value thereof stated in the Stock Valuation Account,"—(*Mr. Cawley,*)

—instead thereof.

SIR DAVID SALOMONS said, that no person could be more interested in the Deptford Dockyard than his constituents. He was able to speak of the conduct of the Admiralty with regard to this dockyard. It was impossible for any person to behave in a more open and straightforward manner with regard to the sale of that dockyard than the hon. Member who was the Secretary to the Admiralty (Mr. Baxter). The moment it was found that the Admiralty had decided to sell the Deptford Dockyard, he (Sir David Salomons) called at the Admiralty and ventured to ask the Secretary of the Admiralty if they had fixed a price, and the Secretary gave him the price which the Admiralty would take. He (Sir David Salomons) told him that he hoped to be able to restore the trade of Deptford by the Corporation of London purchasing the dockyard in connection with the proposed market for foreign cattle. He was told that the Government had fixed the price at £80,000, but that probably £75,000 would be taken, and that, as several persons were about the land, he had better bestir himself. The Corporation of London, on being consulted, did not think it expedient to enter into the negotiation. Being anxious, however, that his constituents should have the advantage of the dockyard, being occupied, he consulted almost every person he met connected with shipping to influence them to establish commercial docks on the south side of the river and the advantage which they would be to the trade of London. But he did not succeed. He at length gathered from the local papers that a buyer for the docks had been found. He was, however, astonished to find that while £75,000 was the price at which the docks could be bought; the docks had been purchased for a firm of American shipwrights at £140,000, and this story struck him as savoring strongly of the dealings of the year 1866. But the whole story was a fable. He made this statement to show that the Admiralty had acted fairly as regards the price at which they offered the property. At the same time, he thought the Committee would not be undesirable.

SIR JAMES ELPHINSTONE said, he was one of the Committee on Dockyards, which recommended that the dockyards of Deptford and Woolwich should be abolished. He meant so much of each as could be rendered available for building purposes. The Deptford Dockyard comprised 27 acres 1 rood and 23 perches; the length of quay accommodation, 2,000 feet. The Committee recommended the execution of extensive works at Chatham; and Mr. Scamp, who at that time was the engineer of the Admiralty, drew plans and prepared specifications of the works, which were approved of. An Act of Parliament was passed; contracts were entered into for the purpose of carrying out the works. But these plans had been entirely departed from. Not only had the Admiralty contractor fallen into difficulties, and been relieved from his contract, but the whole undertaking had been boulversed, and the country was in entire ignorance of what the works were to be. He would not dwell upon the various rumours afloat respecting individuals, as these might possibly be investigated by the Committee if the Government would assent, as he sincerely trusted they would, to its appointment. The Committee ought to direct its attention, first, to the sufficiency of Mr. Scamp's plans, which, in his opinion would be established; secondly, to the circumstances which led to Colonel Clarke not carrying out those plans; thirdly, to the question of convict labour; and, lastly, what was the position of those works at present—how far they were authorized by the Acts of that House, and how far they were the mere dictates of the Admiralty. Taking this opportunity of making a few remarks on Deptford Dockyard, the hon. and gallant Baronet referred to the fact of its value, according to the valuation of the Admiralty, being £412,040, and it was understood that the men would be transferred to Chatham. The stories that were going abroad with respect to the sale of the dockyard were of a very serious description. For instance, it was said that Mr. Austin, who at one time kept Peel's Coffeehouse, came forward and purchased the property from the Admiralty for £73,000. Of course, he pronounced no opinion as to the truth or falsehood of this, or of similar stories; but he strongly urged that the whole of the facts ought to be thoroughly investigated.

MR. BAXTER said, that before his hon. Friend (Mr. Trevelyan) replied to the hon. Member for Salford (Mr. Cawley), he desired to say a few words on the Deptford part of the question, because he was primarily responsible for advising his right hon. Friend at the head of the Board of Admiralty to accept the offer which was made for the purchase of that dockyard. He admitted that the hon. and gallant Baronet, as a Member of that House, was entitled to know all the facts of the case. When the present Board of Admiralty came into Office they found that dockyard shut up, and they resolved that it should be disposed of—either sold or let as speedily as possible, with a view of giving employment to the large number of labourers thrown out of work by the shutting up. This was more than a year and a-half ago, and the Board were most deliberate in their action. The hon. Baronet, he might remark, was mistaken when he said that Admiralty property was generally sold by auction. It was made known throughout the country by advertisement and by a paragraph in the money article of *The Times* that Deptford Dockyard was in the market. Moreover, experienced valuators, legal gentlemen, and merchants in the City were consulted as to the best course to be pursued, and they unanimously advised the Board on no account to put up the dockyard to public sale, as the inevitable consequence would be what was termed a "knock-out," which would depreciate the value of the property in the market. Acting on this advice the Government resolved to seek an offer for Deptford Dockyard. He had seen it stated that the property was sold for £71,500, whereas it was valued in the Admiralty books at £412,000; but it was impossible for him to endeavour to refute all the statements and imputations—some of them supremely ridiculous, which had been made in the naval and military newspapers. Mr. Evelyn had the right of pre-emption with regard to a portion of the dockyard, and a portion was bought by him at a former period for £29,000. After the advertisements were inserted, tenders were received at £48,000, £50,000, £55,000, £58,000, and £60,000 respectively. All these offers he thought proper to decline, as being of insufficient value. A long period then elapsed, and no offers came in, and the Government, eventually, took other measures to let the public know that the land was for sale. Meanwhile, he received many visits from his hon. Friend the Member for Greenwich (Sir David Salomons), who treated, on behalf of the Corporation of the City of London, for the purchase of the yard. At that time the Admiralty were not prepared to state what was the value of the land, as they had not received the report of the gentleman appointed to estimate it; but at a subsequent interview he told the hon. Baronet that if the Corporation made an offer of £80,000 for the remainder of the ground, that offer would be favourably entertained by the Admiralty, and, probably, by the Treasury also. The hon. Gentleman intimated to him that that was out of the question, and for a considerable time no further offer was made. At last the Admiralty received an offer from Mr. Marsh, the well known auctioneer, of £71,500, and with the full consent of the Treasury, and the Woods and Forests, the Admiralty accepted that sum, which was within £5,000 of the valuation furnished to them by very competent parties. These negotiations, he might remark, occupied many months, and the Admiralty did not hastily jump to a conclusion. He must give a most unqualified contradiction to the statement referred to by the hon. Baronet (Sir Henry Selwin-Ibbetson) that Mr. Baxter Langley offered anything like £450,000 for the purchase of the dockyard, in order to give employment to the men out of work. If the dockyard had been wanted for such a purpose, he should not have hesitated to recommend his right hon. Friend to sell it at less than its market value. The valuation of £412,000 included not only the value of the land but the value of stores, buildings, docks, and many other things which were now of little use, and most of which had been sold. He had only to add that he knew nothing about Mr. Austin until the last moment. His dealings were with Mr. Marsh. They had sold a portion of the yard to Mr. Evelyn, a portion to Mr. Marsh for Mr. Austin; they had thrown a portion into the victualling yard, and they had sold a quantity of stores. Taking all these points together they had obtained for Deptford Dockyard £140,000 instead of £70,000. All he had to state further was that if he had made any mistake he was very sorry for it; but the affair had been conducted with great deliberation and care.

CAPTAIN BEAUMONT said, the position in which Colonel Clarke stood was that he had been called upon to do a greater amount of work for £230,000 than was demanded of him under the original estimate. The total amount, he might add, which the works would cost was actually within that estimate. Any failures that had arisen in connection with them had been the result of improvident arrangements on the part of the contractor. It was said that the contract should have been finished in the month of April; but the money necessary to finish the work was not forthcoming. It had been further stated that the works had been carried out in a discreditable manner; but an examination of them would, he thought, show that that was not the fact. So far as the contractor was concerned, he believed he had done his work as a contractor extremely well; and a proof that he had not been overpaid was furnished by the circumstance that he was not now supposed to be financially in a very sound position. The advantage of the employment of convict labour had, he thought, in the present instance been over-estimated, though where no particular difficulties existed it might be employed with advantage. He was sorry that the scope of the proposed inquiry was so large, and he should like to hear the answer of the Government before he decided which way he should vote. He could only say, on the part of a brother officer whose character was to some extent involved in the question, that there was nothing he should like better than a full inquiry. The result of such an inquiry would, he believed, be completely to exculpate Colonel Clarke.

SIR JOHN PAKINGTON said, he thought the House was placed in a position of some difficulty in consequence of having before it two very different subjects, both of great importance. On the second of those subjects—that relating to the sale of Deptford Dockyard he wished to say a few words. He was very glad to hear the hon. Gentleman the Secretary of the Admiralty discuss the question in a very different, and much more becoming tone from that which he assumed the evening before, when an opportunity was afforded the Government of giving an explanation with regard to certain rumours which were very prevalent out-of-doors. It was extremely desirable, in his opinion, that some explanation should be given with respect to those startling statements which had appeared in the public prints, and which, up to the present time, had been allowed to remain uncontradicted. The statement of the Secretary to the Admiralty on the subject of the sale of Deptford Dockyard he could not regard as satisfactory. The hon. Gentleman seemed to be conscious that the property had been sold for a sum below its value. [Mr. BAXTER dissented.] The hon. Gentleman might shake his head; but although the statements in the public prints were almost incredible, it was hard, under the circumstances, to come to the conclusion that the property would not have brought a large sum. In that view he was strengthened by some portions of the hon. Gentleman's speech. He alluded to the common practice of selling public property by auction, and explained that that course had not been resorted to in the present instance, because it was feared an understanding might have been arrived at between the bidders, and that the full value of the property would not, as a consequence, be obtained. But there was no necessity that there should have been a forced sale and that any offer made should have been accepted. The hon. Gentleman appeared wholly to forget that he could have put a reserve bidding, and that he could thus have secured himself from the danger of seeing the property knocked down at a figure below its real value. Then the hon. Gentleman proceeded to say—and in that he was quite correct—that the estimated value of £412,000 was arrived at by including the value of certain buildings and properties which stood on the estate. That was perfectly true; but the hon. Gentleman must bear in mind that the price for which the Government sold it included all those buildings and properties. He spoke under correction; but he believed all the properties were included in the sum of £71,500. The Government must feel that the country had a right to explanation. Gentleman on that (the Opposition) side, therefore, were perfectly justified in saying that the Government were bound to explain what had been done; and he could not help thinking that the most satisfactory course would be that the transaction should be calmly and dispassionately inquired into by the proposed Committee.

MR. SAMUDA said, the question for the House was this—whether there was anything in the transaction which required to have a greater degree of light thrown on it than could be done in Committee of Supply. For his own part, he should wait with great anxiety for an explanation as to the dockyards. At present, there were certain items with respect to which he could only express his astonishment that they had not before been brought under the notice of the House. How did the case stand with respect to Chatham? The House had departed from its usual practice of voting from year to year the sum required, and at the request of the Ministers of the Crown, represented by Lord Clarence Paget, had placed at their disposal a fixed sum which might be spread over a series of years, the object being to secure greater economy by enabling a contract to be entered on for the entire works at once. Well, £1,250,000 was granted in 1865, and if the House would refer back to the Estimates for 1866-7, 1867-8, and 1868-9, they would find that sum set down for the extension of Chatham Dockyard. Then they would find, in the following column, the amount voted on account of the work; in a third column, the sum required to be taken that year; and, in a fourth, the amount which remained to be expended in future years. There was also a distinct statement of the total sum the House had given permission to expend. How, then, did the case stand? That this sum in the Estimates was now, for the first time, raised from £1,250,000 to £1,750,000. But though the estimate had been raised, the sum previously voted had not yet been exhausted. And then his right hon. Friend (Mr. Childers) came down to the House, and, speaking in explanation of his Estimates for a space of three hours, never stated that he had varied the sums voted for Chatham and Portsmouth, and had increased the liabilities of the nation by a sum of £1,157,000. What would have happened if the House had gone on without noticing this matter? Why, next year they should have been told that it was too late; that the increased amount was on the Estimates of the year before, and that they had not taken any exception to it. Surely, it ought to have been the primary duty of the right hon. Gentleman—who had devoted the greater portion of his statement to explaining how grateful the House ought to be to him for reducing the Estimates by £840,000—to have stated that he had, by this unreferred-to increase in the Construction Estimates, actually committed them to an increase of £350,000 on the previous year. Now either a concise and satisfactory explanation could be given of this matter, or else it was a good case for investigation by a Select Committee; at all events the House was entitled to the best explanation the First Lord could give, and it was wholly inadmissible for him to take credit for having effected a saving of £840,000, when it was clearly known to him he was committing the country to an expenditure the House had not sanctioned of nearly £1,250,000, and hence on balance practically increasing the Estimates £330,000. There was another point upon which some explanation was necessary, and that was the statement made by Colonel Clarke the Director of Works as to the cause of this increase. He (the Director of Works) pointed out, for the most part justly, that the attempt to employ convict labour had not answered to the expectations that had been formed of it; that, instead of 2,000, only 700 convicts had been obtained; that their labour by no means cost nothing, and that the pecuniary saving that their employment was expected to lead to had been greatly over-estimated. The result was this—that if the whole quantity of convict labour had been deficient, there would have been an increase in the cost of £200,000 in the one case, and of £270,000 in the other, or a total of £470,000; whereas the House was now asked to vote a sum of £1,200,000, or nearly three times the amount of the excess. Upon another point, he looked for a particularly explicit explanation from the Government, because it appeared to show that a great deal of favouritism had been shown to the contractor. By referring to the plan of the works, it would be seen that the contractor had to make a repairing basin at the western side; secondly, towards the east, a factory basin; and, thirdly, still further east, a fitting-out basin. Now, in the Report of the Director of Works, it was stated that a great deal of expense and difficulty were occasioned by the treacherous nature of the soil; that as they proceeded eastward those difficulties became greater and greater until, at last, the soil was a mere quicksand, on which all labour was thrown away; in short, as they went from the west to the east, the cost of the work became greater and greater. The whole work was performed by the contractor upon a schedule of prices, which meant that an average of prices was struck from the worst part of the work up to the best. But it appeared that, at a very late period of the works, a good portion of those to the west were allowed to be finished by the contractor, and the work as it went eastward, where it became more difficult, was taken off his hands, at a price upon which he intended to inquire as to how it had been arrived at. Therefore, the contractor had been relieved from doing the difficult part of the work, but had been allowed to finish the easy part. This was a matter which he thought called for explanation. There was only one

other matter to which he wished to call the attention of the House. The general tenour of the Report complained, or explained, that the large excess which the country was called upon to pay for that work was mainly to be attributed to the deficiency of convicts; and it went on to show that the fitting-out basin—a very large basin—had been altogether abandoned, or, at least, could not be executed up to this time, because of the short supply of convicts. Yet, notwithstanding the shortness of the supply of convicts, the contractor had a difficult portion of the work taken from him with the view to allot it to convicts, and had some more work given to him in the good part of the ground, and given to him, too, at the schedule price. In conclusion, the whole of that scheme had been put before the country as being connected with a wonderful measure of economy, to be effected by substituting a certain amount of expenditure, known and agreed to on the part of the nation, at Chatham, so as to enable them to shut up Woolwich and Deptford Dockyards. He would never cease to protest against the shutting up of Woolwich Dockyard. But they were told that it would be a saving of £100,000 a year to the country; but it now appeared that the excess which they were called upon to pay, beyond the expected estimate when the works were recommended and decided on, went far to do away with any saving that might have been effected. These were matters that called for explanation, and he put it to the right hon. Gentleman whether he would not be doing good service to the Government and to those who desired to support them, if he would frankly come forward and grant the full inquiry into these matters which was due to the country, and would be satisfactory to the House.

Mr. TREVELYAN said, he thought no one who had survived the naval battle of last night could wonder at the observation of the right hon. Baronet opposite (Sir John Pakington), that the tone of his hon. Friend (Mr. Baxter), in answering the accusations of that day, was very different from what it was on the previous night. On the former occasion hon. Gentlemen opposite got up and made themselves the mouth-pieces of floating rumours with regard to the Purchase department of the Admiralty, implying that his hon. Friend had practically used that department as a means of bringing about a new species of peculation and jobbery. Things had quite changed that day. Gentlemen connected with the late Board of Admiralty had stated, in an extremely moderate manner, the circumstances that had given rise to disagreeable suspicions in their minds as to the conduct not of the Government, but of people connected with it either temporarily or permanently. Therefore it was not surprising that the answer of the Government that day had been given in a very different tone. The hon. Member who spoke last asked the Government to grant a Committee of Inquiry, assigning several reasons why they should take that course. He thought he would be able to show, in the course of a quarter of an hour, that there was no need for a Committee; but that the Government could be trusted, and that the Director of Works could be trusted. The hon. Gentleman said that his right hon. Friend—the great economist who had cut down expenditure by £860,000 in one year, and by £1,250,000 in another—had saddled them with something like £1,200,000 of excess on these works. It might have been thought that a Gentleman acquainted with the practical affairs of life like the hon. Member would have known the difference between stating an expense that had been incurred and incurring it. What had the Government done in that case? They had deemed it absolutely necessary for them—a Liberal Government, coming into Office pledged to economy—to begin with that which was the commencement of all sound economy—namely, by presenting to the House of Commons full and true accounts of all expenditure. He did not wish to throw a word of blame upon hon. and right hon. Gentlemen opposite—all he would say was, that his opinion of the way in which Estimates should be presented to that House was very different from theirs. He would remind the House that the Members of the late Government were as much concerned in this Inquiry as the present, and he would show that the late Government knew all along what was the condition of the Chatham and Portsmouth Extension Works. That was proved by the Paper they laid before Parliament in 1868-9, carefully drawn up by the Director of Works, and stating that his estimate of January, 1865, for the execution of the works approved by Parliament in connection with the extension of Chatham, amounted to £1,750,000, to be reduced in proportion as convict labour was more or less employed. The Director of Works went on to say that he had not a sufficiency of convicts to enable him to execute them at the lower sum, and it was evident from his Paper that the £1,750,000 would be reached. So with regard to Portsmouth Dockyard; no one could read that Paper carefully without seeing that the late Government also were in possession of all the facts. Again, in the annual Estimates for 1868-9, the late Government inserted a foot-note, stating that the estimate of £1,250,000 was dependent on the number of convicts employed, and that the amount would be increased if the estimated number of convicts fell short. A smilar foot-note was given in respect of Portsmouth and Haulbowline. Those were the Estimates which they found ready prepared when they came into Office. The right hon. Gentleman opposite had been ready to claim credit for the reductions made by the Government in their first year of Office, and certainly, in the six short weeks they had to lay the Estimates before the House last year, it was impossible for the Government to concern themselves with their matter and their form. So much for the year 1868-9. But in the autumn of last year the Admiralty determined to look carefully into the subject. He did not hesitate to say—and he was proud of it, for it showed that though they were in Office they had still some sympathy with Gentlemen below the Gangway—they were determined to have a full account of the meaning of that foot-note and to lay it before the House. They knew the suspicion with which that foot-note would be regarded by every good Radical in the House. The Government consulted the Director of Works on the matter, and they had now told the House and the country the full amount of their liability. The hon. Gentleman who brought forward the Motion evidently heard from some quarter—he knew not what—certain rumours about the Director of Works, and as to his conduct with regard to the employment of convicts, which everybody who knew that valuable officer knew were not correct.

MR. CAWLEY said, he had heard no rumours whatever; he had founded his statements strictly on the Reports of the Director of Works.

MR. TREVELYAN said, that might be so; but the hon. Gentleman must have read the article on the subject in *The United Service Gazette.* The hon. Gentleman stated at the beginning of his speech that he was not ignorant of the way in which the works were carried on by the Admiralty.

MR. CAWLEY said, his statement was founded on experience.

MR. TREVELYAN: But the hon. Gentleman's experience had been very unfavourable. He referred to works executed at Malta, under the control of Mr. Scamp, the late Director of Works, the estimate for which was £26,900; but the contractor obtained £44,230, or almost twice the original contract. His next experience of Admiralty work was also at Malta, in a contract which exceeded the original estimate by £11,000. But if the hon. Gentleman would watch with equal care the Admiralty works of the present day he would find that they were carried on in a different spirit. The present Director of Works had got a strong hand, and he showed it by never exceeding his estimates. It was true that there was a scheme brought forward in an Act of Parliament, by which £1,096,000 was put down to be expended on Chatham Dockyard. That Act was brought in and pushed forward by the right hon. Gentleman now at the head of the Admiralty, for the purpose of giving confidence to contractors in putting in tenders for works which were to extend over several years, as several circumstances had before that occurred to shake the confidence of contractors in the stability of purpose of the Government. There was a guarantee of £610,000 for Chatham Dockyard, and of £700,000 for Portsmouth, and the object of that guarantee had been fully obtained. In the case of Mr. Gabrielli, at Chatham, the works would be executed for a sum under the £610,000. In the case of Messrs. Leather and Smith, he could not say that the works at Portsmouth would be executed under the £700,000. However, the late Government had given—with great judgment and discretion, he would admit—a contract for work that would exceed £700,000, at the same time cautioning them that Parliament had only authorized the sum of £700,000 to be spent, and Messrs. Leather and Smith were very anxious now to ascertain if that sum was to be exceeded. Very hard things had been said of the present Director of Works; but his best defence was to be found in a Paper that was laid before Parliament in 1865, where he stated that the works at Portsmouth could not be executed with free labour for less than £2,250,000, and at Chatham for £1,750,000; but that, if convict labour were employed to any great extent, the expenses would be reduced at Portsmouth to £1,500,000 and at Chatham to £1,250,000. It was not the fault of the Director of Works that the Government could not obtain convict labour in sufficient quantity. The hon. Gentleman (Mr. Samuda) had called attention to a very material charge against the Director of Works, and which might be said to contain the gist of the whole debate. The question was this—whether the Admiralty by releasing Mr. Gabrielli of his contract for the factory basin and employing him in erecting docks had enabled him to make more money than if he had been left with the factory basin. This was said to be shown by the Report of the Director of Works, who said that as they went westward the ground got better. But that was not what the Director of Works said. What he said was, that it was now evident that as they went westward they could obtain a comparatively good foundation for the walls, which did not exist in the eastern, that part of the island which still remained to be dealt with. He said that at the west end the gravel was cemented into a natural concrete; but that at the east end it was more loamy, and unfavourable for a foundation. But that was not the same thing as saying that the soil changed gradually as they went from west to east. The fact was that the repairing basin and the factory basin stood upon exactly the same soil. The one was as good as the other. The real motive for the Government undertaking the work to which the hon. Gentleman alluded was that they had now more convicts than they had at first, and they wanted work for them. At first they had only 700 convicts; they had now 1,100. They did not wish to go on with the fitting-out basin, because that was a gigantic work, and would occupy them for a considerable time; and they preferred to have two complete basins in the course of a couple of years or so to having three unfinished ones; besides which, it was admitted that convicts could not be put to the work of making docks, although they might be employed in excavating, and to the benefit of the country. Another reason for the alteration was that the Admiralty required Docks Nos. 3 and 4 to be finished in a much shorter time than the convicts would take to do the work, because Docks Nos. 1 and 2 were already very much cramped for the newest class of vessels. Besides that, there would be a saving of £30,000, which he hoped would be as satisfactory to the House, as it was creditable to the Director of Works. The result of the experience obtained in the construction of docks was that, while the two smaller docks had cost £244,000, the two larger docks, built of finer material, would cost only £210,000; and surely it was no indication of a want of fidelity on the part of a public servant that he built two docks larger and better than two others for a less sum than they had cost. Hon. Members could not spend their Whitsuntide holidays better than by going down to Chatham to see these enormous temples of shining granite, and to satisfy themselves of the workmanlike manner in which they had been constructed. The hon. and gallant Member for Portsmouth (Sir James Elphinstone) desired inquiry into the rumours concerning Mr. Gabrielli, though he declined to go into them, and it was for the House to say whether a Committee should be appointed to inquire into rumours which could not be described. He would not trouble the House by examining the allegations of *The United Service Gazette;* but he might state that from first to last they were a tissue of slightly true statements curiously interwoven with the most utterly false ones. In one of the articles it was stated that Mr. Thomas Phipps Austin had been latterly joint proprietor in an hotel with Mr. H. Bristowe, the son of the Solicitor to the Admiralty. [MR. CAWLEY: It should have been brother.] He was not acquainted with the facts as to the authorship of the article as others appeared to be, and naturally thought that the Mr. Bristowe referred to was a son of the Solicitor to the Admiralty. Now, however, he understood why Mr. Bristowe supplied him with a Paper about his brother. Mr. Bristowe said his only son was a partner in the Solicitor's office, and never was a partner in an hotel or public-house, and Mr. Bristowe made a similar statement with respect to his brother, adding that he had never been in partnership with Mr. Austin. Further, Mr. Bristowe never knew Mr. Austin until he was brought by a relation of Chief Justice Bovill as one of the sureties of Mr. Gabrielli. With reference to the exchange between the docks and the repairing basin, he read a letter written to the Director of Works by the Secretary of the Admiralty, in July, 1868, when the Conservatives were in Office; and this letter requested the Director of Works to submit revised Estimates for the two additional docks that entrances were already provided for, as it might be more economical to proceed with their construction; so that all that was reserved to the present Government was to take from Mr. Gabrielli the repairing basin, which they did, because, with the present additional number of convicts, they could construct it more cheaply than they could the docks. He had now referred to the various reasons which had been given for a Select Committee, and he trusted the explanations he had given would be deemed satisfactory, and that they would show that the present Government was watching, in addition to the rest of the Admiralty, the Director of Works. The Government asked the House to trust them in this matter, and by the end of the year they would know whether there should be an Inquiry or not. The Director of Works stated that he had great hopes that by 1870 the repairing basin and the two docks would be finished, and then it could be seen whether the rest of the works could be completed within the contract. Until that time he thought the Government had a right to ask the House to trust it in this as it had trusted it in all other matters connected with the Admiralty.

CAPTAIN STANLEY said, he was sorry to hear his hon. Friend say that the Government could not accede to the appointment of this Committee, because in his speech he had given sufficient reason for the appointment of the Committee. Attention had been drawn to statements which the hon. Gentleman characterized as slightly true, but curiously interwoven with falsehood. He thought that in regard to matters of such intricacy, connected as they were with professional details, the investigations of a Committee of Inquiry were preferable to casual speeches made in that House. He should be sorry to say a word either for or against the professional acquirements of his friend, Colonel Clarke, who had gained considerable experience at home and abroad; but the charges brought against him in the course of this discussion were such that they could be described only as being of a serious nature. According to the hon. and gallant Member for Portsmouth (Sir James Elphinstone) there were four matters for consideration — the sufficiency of the original estimate; the failure or otherwise of Colonel Clarke to carry it out; the failure of convict labour in the purpose to which it was originally applied; and the state of the works, now a considerable time after that fixed for the completion of the contract. It appeared to him that these were fitting matters for a Committee to decide. The question was important as one of precedent, and also as affecting the manner in which the estimates were prepared. It would be remembered that when Lord Clarence Paget proposed a departure from the course previously pursued, and asked Parliament to extend the period for the expenditure by whatever Government might be in power, the principle was criticized by many competent Members, and it was only after considerable discussion, and not without some hesitation, that it was adopted. One principal argument in favour of the course was that, by extending the operations over a series of years, a great economy would be effected, and that, by spreading the cost over the Estimates of several years, the work would be carried forward with the least pressure in respect of public taxation. Here, again, two points were involved—first, whether the expected economy had been realized; and, second, whether there was any objection to the course taken in binding by Act of Parliament successive Governments to prosecute the works, irrespective of their own approval of them. Without expressing any opinion on these questions, he held that they might fairly be inquired into by a Committee, and it was to be regretted that the Government did not accede to the proposal to appoint one. In his opinion the hon. Member for Salford (Mr. Cawley) had shown good grounds for the appointment of a Committee, and he hoped hon. Members on that side of the House would be able to support his Motion.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 142; Noes 83: Majority 59.

Main Question proposed, "That Mr. Speaker do now leave the Chair."

Debate arising.

Debate *adjourned* till *this day*.

SUPPLY.

Order read, for resuming Adjourned Debate on Question [31st May], "That Mr. Speaker do now leave the Chair."

Question again proposed.

THE GREEK MASSACRES.

OBSERVATIONS.

SIR JAMES ELPHINSTONE said, he wished to refer to the naval force belonging to this country that was stationed in Greek waters. On a former occasion, when he put a Question on the subject to the First Lord of the Admiralty, he conveyed the idea to the House that there were two English sloops-of-war there—namely, the *Antelope* and *Cockatrice;* but the fact was, that when the lamentable massacres took place in Greece, there were only two vessels in the neighbourhood, neither of them belonging to the British squadron. The *Antelope* was a vessel attached to the Embassy at Constantinople, and at the time of the massacres was on her passage from Constantinople to Brindisi, to meet Sir William Elliott, who was returning from this country. The *Cockatrice* was a small vessel attached to the Conservators of the Danube, and was at the time accidentally on her way to resume her station on the Danube. He had stated last night, on the authority of Admiral Hobart, that if there had been an English vessel of war off the coast these lamentable occurrences would not have happened. Admiral Hobart knew more of these banditti than anybody else, having captured most of them in Crete, and handed them over to the Greek Government, who sent a sloop of war to carry them off with their arms. He had asked whether it was not a matter of policy that the Mediterranean

Fleet should be sent up to the Piræus to strengthen the hands of the Greek Government. He did not indicate any opinion of his own on the subject; but it seemed to him that when Mr. Erskine was deprived of his right-hand man, Mr. Herbert, it would have been well if he had been supported by the mature judgment of Sir Alexander Milne. The police of the seas, formerly maintained by this country, could not be relaxed in any quarter of the world for any length of time without some disaster.

SIR JOHN HAY said, he did not pretend to give any opinion of his own; but it appeared from the despatches to be certain that if, when the brigands were encamped on the promontory of Oropos, Mr. Erskine had been able to send an English vessel with a view to the release of the captives, instead of a Greek gunboat, the lives of the prisoners would have been saved. [" Oh!"] Well, that was the purport, as it seemed to him, of the despatches. Mr. Erskine's despatches conveyed the impression that, as soon as the Greek flag was seen at sea on board their gunboat, while the Greek soldiers were drawing a cordon around the brigands by land, the brigands attempted to escape, and committed the crimes which had horrified all Europe. These miscreants naturally suspected that they were being surrounded, and had been betrayed. Had an English vessel been there no suspicion would have arisen, and the lives of those gentlemen would have been saved—there was no vessel, and those lives were sacrificed.

MR. CHILDERS said, he did not rise to reply to the hon. and gallant Member for Portsmouth, because he had, on two previous occasions, given him an answer to similar questions. When the hon. and gallant Member gave notice of his intention to call the attention of the House to the Suez Canal, and then, without Notice, called attention to a different subject, it was exceedingly irregular and very inconvenient to the Government in conducting the business of the House. The hon. and gallant Member for Stamford (Sir John Hay) had entirely misread Mr. Erskine's despatch, which made no allusion to there not being an English vessel in Greek waters. With respect to the Mediterranean Fleet, he could only repeat what he had previously stated—that the force had not been reduced, and that the instructions to commanders remained unaltered—those in force having been given by the late Board of Admiralty. Under the circumstances, he thought it was not worth while to discuss the matter further.

Question, " That Mr. Speaker do now leave the Chair," put and *agreed to.*

NAVY ESTIMATES.

SUPPLY *considered* in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed,

" That a sum, not exceeding £779,090, be granted to Her Majesty, to defray the Expense of Naval Stores for Building, Repairing, and Outfitting the Fleet and Coast Guard, which will come in course of payment during the year ending on the 31st day of March 1871."

MR. ALDERMAN LUSK expressed a hope that the Government would not entirely abandon the contract system. There was a general impression that those who entered into contracts with the Government were not honest; but that, he believed, was not true. He knew men who, during the last two years, had honestly fulfilled their Government contracts at great expense to themselves, and they had, by their contracts, lost a large sum of money. He had himself seen the course of business at Somerset House. He never met a Government officer who was corrupt, or capable of taking advantage of his position; and it was only fair to the officers, and to those who did business with them, that he should say so. As to their transactions in oil, if the Government bought a wrong article, it was their own fault.

MR. SAMUDA said, there was nothing of greater moment than that the Navy should be supplied with the best oil; because the extra money that it would cost was nothing compared with the mischief which would be done by an inferior article. He hoped the hon. Member for Montrose (Mr. Baxter) would be independent of criticism, and do what was really best for the Navy. The great curse of the present day was the desire to subordinate everything to price—a plan which much depreciated the general morality of commerce. The Government had hitherto endeavoured to obtain contracts from persons of experience and integrity, and it would be ill-judged parsimony to institute a competition of a fraudulent description. The best was certainly the cheapest, although Manchester and Birmingham might look entirely to price, and altogether disregard quality.

Mr. BAXTER confessed that he was lost in amazement at the speech which had just been delivered. He had always thought his hon. Friend who had just sat down a candid and accomplished man, who never talked upon any subject on which he was not fully competent to deliver an opinion. His hon. Friend had told the Committee that the Admiralty were wrong in buying colza oil when sperm, which had been used for so many years, was so much better for lubricating purposes; but if the hon. Gentleman had listened to the explanation given to-day, he would have known that they had got the colza oil for illuminating purposes.

Mr. SAMUDA said, he understood the hon. Gentleman to state most distinctly that the Admiralty had substituted colza oil at £38 a ton for sperm oil at £134 a ton for lubricating the machinery.

Mr. BAXTER said, he had never made any such statement. What he had stated was that the Department had been using sperm oil for illuminating purposes, and that he had substituted colza oil. He knew very well that for illuminating purposes at home they had long been using colza oil; but he did not trust his own judgment merely in the matter. He had sent samples of the colza oil and the sperm oil to the ships; and in every case except one the report was that the colza oil was superior, and in that one case it was said that both were equally good. He had stated also that for Gallipoli oil he had substituted Rangoon oil.

Mr. RYLANDS observed that it was most singular that the only return which the Government got for their efforts to promote the public good was an amount of badgering which was almost unparalleled. Representing an independent interest, he must say that the nation at large was very much indebted to the First Lord of the Admiralty and to his hon. Friend (Mr. Baxter) for their exertions to reduce expenditure, and he could not sit in his place without recording a very strong protest against the course which had been taken by hon. Gentlemen opposite. The hon. and gallant Baronet (Sir James Elphinstone) had stated that the friends of the First Lord of the Admiralty and of the hon. Member for Montrose were engaged in jobbery, and that there was now more jobbery at the Admiralty than ever. [Sir James Elphinstone: Hear, hear!] The hon. Baronet had gone further, for he had said that commercial men below the Gangway were influenced in their support of the Government by their relations with the Admiralty. Now, he would say, in words that were justified by the highest authority, that such language was calumnious of Gentlemen on that—the Ministerial—side of the House.

Sir JOHN HAY rose to Order. The hon. Member had said he had the highest authority for the statement he had just made. He should move to report Progress, in order that they might hear from the highest authority himself whether he had made any such statement.

Mr. RYLANDS explained that what he did say was that the authority of the Speaker had been given that the word "calumnious" was not un-Parliamentary. The hon. Baronet had insinuated that his hon. Friend the Member for Montrose was making use of his position in Her Majesty's Government in order to buy portions of the Government stores at Dundee, a place with which he was intimately associated. That was a very serious charge, and when his hon. Friend rose and denied that he had bought oil there, he was surprised that the hon. Baronet did not at once get up and say that he regretted he had made a most unjust and unwarrantable charge.

Sir JAMES ELPHINSTONE said, he rose to throw some oil on the troubled waters. When any charge was brought against the Government they always had some friend at hand to rise and endeavour to get them out of the scrape, and on this occasion that friendly office had been rendered by the hon. Member for the minority of Warrington. What he had said was that the oil now used was deficient in lubricating and illuminating power; that it was very dirty, and clogged the engines. He had merely asked the question whether the oil had come from Dundee. ["No, no!"] The hon. Member for the Tower Hamlets (Mr. Samuda) and other good authorities had stated that vegetable oils would not do for lubricating the engines; and even if they could not get good animal oil for purposes of lubrication at less than £134 a ton, it would be better to buy it than inferior oil at £38.

Captain BEAUMONT deprecated such discussions about so small a matter as oil, for he could not believe the Admiralty were buying oil without regard to quality, and introduced the question of iron plates. He observed that there had been no experiments as to the quality of 12 inch or 14 inch plates, backed by timber and iron skin, such as was being manufactured for the *Glatton*, the *Thunderer*, and ships of the heavier class. The target representing the water line of the *Hercules* fired at in 1865 gave satisfactory results for that time; but no conclusions could be drawn from those experiments to indicate the quality of the plates of which he spoke. The only test to which the *Glatton* plates were subjected was that of being fired at by a 7-inch service gun, with a 20-lb. charge of powder, and as it had been found that a small charge of 26lb. from a 7-inch service gun had considerably damaged the plates, grave doubts were raised as to whether these plates could not be penetrated at close range. Certainly the experiments as yet made did not prove that the *Glatton* plates were sufficiently strong. An experiment at Shoeburyness, at which he was present, showed that a 15-inch rolled and hammered plate was defective, and it was generally believed a plate reduced by rolling and working from 20 inches to 15, was not as good in fibre as one reduced from 20 inches to 8. He would not pretend to offer a professional opinion on the subject; but he maintained that it was a wrong policy and a want of economy to put down so small a sum as £3,000 in the Estimates for experiments, and then to expend a large sum of money in placing plates upon the sides of our ships which had not been thoroughly proved. He sympathized with the Admiralty in the bullying they received in small matters, and assured them that what the House and the country wanted was the exercise of sound judgment in matters of larger importance. The subject he had broached involved thousands, to say nothing of the credit of the nation. In conclusion, he protested against large contracts being gone into without further experiment.

Sir JOHN HAY said, he thought the Committee ought to be indebted to the hon. and gallant Member for South Durham for calling attention to that subject. He concurred with him in believing that it would be very desirable to have some further experiments as to the power of resistance of the very thick plates which it was intended to use in the construction of some of Her Majesty's ships. It seemed to him very doubtful whether they had sufficient mechanical power to exert the pressure required by rolling or hammering to produce that tenacity and ductility—the necessary combination of softness and elasticity, and hardness without brittleness, which was required in iron plates which had to resist the impact of shot. A very fair approximate law had been recorded in the Report of the Iron Plate Committee, which seemed to hold good up to plates of 9 inches in thickness—namely, that the resisting power of a plate seemed to increase in a ratio, which might be compared by the square of the thickness. Thus one plate of 4 inches in thickness and of good quality might be expected to resist as well as 16 plates of an inch in thickness and rivetted together. It was of great consequence to ascertain this accurately in plates of the great thickness which were about to be used; because, doubtless, where weight was of so much consequence as in naval architecture, it would be desirable, if possible, to obtain protection by one thick plate rather than by a laminated structure, which must be thicker and heavier, to produce the same resistance. But, until machinery exerting much greater rolling power was produced, he doubted if the same law of resistance would hold good in plates over 9 or 10 inches thick, as had been proved to exist in plates below that thickness. It would certainly be better to have two plates of 9 inches, whose quality they could depend upon, rather than one plate of 18 inches which, from deficiency in manufacturing power or from difficulty and irregularity in cooling, might not afford the same protection. He thought that some further experiment was necessary in that matter, and it was a subject to which the attention of Her Majesty's Government might well be directed.

Mr. SAMUELSON said, this subject was one of so technical a nature that it scarcely admitted of being made popular. The only course open to the

Government was to try what would be the result of manufacture. Unless the Government could state that sufficient experiments had already been made, he strongly urged on them the necessity of not employing thick plates to any large extent in the vessels they were building, until they had made careful experiments in testing the resistance of those plates. Otherwise they might hereafter be greatly disappointed at the result.

Mr. MUNTZ quite agreed that nothing but trial, nothing but practical experience, could possibly determine this question. He regretted the personal attack which had been made on his hon. Friend the Member for Montrose (Mr. Baxter). It was lamentable to find an economical House, and particularly the hon. Member for the Tower Hamlets (Mr. Samuda), representing an economical constituency, finding fault with his hon. Friend because he had done his best to introduce economy into the administration of the Admiralty. He thought that the hon. Member (Mr. Samuda) had gone out of his way to attack Manchester and Birmingham. Manchester could very well take care of itself; but in regard to Birmingham he could say that she had been taught that real economy consisted in buying the best article at as low a price as the best article could be obtained. He (Mr. Muntz) was not for cutting down and using inferior articles. With reference to oil it had been distinctly asserted that his hon. Friend the Member for Montrose had been buying colza oil from Dundee, and it was said that vegetable oil was not fit for machinery; but it was only an ignoramus that would say so. He sincerely hoped the Admiralty would persevere in the economical course on which they had entered.

Mr. CHILDERS felt it was very agreeable, after a good deal of badgering for the last two nights, to get for a few minutes into quiet waters. A very interesting discussion had been commenced by the hon. Member for South Durham (Captain Beaumont); and after what had been stated by the high scientific authority of the hon. and gallant Officer opposite (Sir John Hay), he must admit it was quite true that at the present time they had not the information they ought to have with respect to iron plates of very great thickness. He had not expected that the question would come on, or he would have refreshed his recollection, which he had not done within the last few days; but his impression was that up to 9 inches they had experiments of the highest kind. Above that—up to 14 and 16 inches—he was not sure that resistance was according to the square of thickness. Here they ought to have a certain amount of information which they had not. It was quite open to the consideration of the Admiralty whether there should not be experiments on a higher scale. All he would undertake to do on that particular point was that the Admiralty would confer with the scientific department of the War Office and consider what further experiments should be obtained on the subject. After all the discussion which had arisen he hoped they would now be allowed to take this Vote.

Mr. LIDDELL said, he wished to say a few words before the Vote was taken. He always listened with great respect to everything that fell from his hon. and gallant Friend the Member for Portsmouth (Sir James Elphinstone), because he was a man of great practical experience, and in everything he said there was always honesty and sincerity of intention. But he regretted very much the remarks which fell from him last night with reference to the coal trade. He said that the North of England coal trade had brought their influence to bear on the Admiralty to take their coal. Now it was perfectly true that they had not once but many times, and during many years, pressed on the Admiralty the advantage, to the efficiency and economy of the public service, of using a proper admixture of North country coal with Welsh coal, and he would say that the result of some experiments that had been very carefully conducted in the North was very favourable to such an admixture. He took this opportunity of thanking the Admiralty for following the advice given by the northern coal-owners. Experiments had been conducted at Portsmouth, which, he believed, had terminated in successful results, likely to lead to a fair use of North country coal for steam vessels; and he was persuaded that when certain Returns he had moved for were laid before the House they would be found to be favourable to the admixture he had spoken of. He therefore hoped that the Committee would suspend its judgment until that Return was in the hands of hon. Members.

MR. GRAVES asked whether any of the mixed coal had been sent to China and found advantageous there? He suggested that a dash of Lancashire coal might be a very useful element in a mixture of Welsh and Northumbrian coal. If they were to have mixtures he did not see why the coal fields of Lancashire should be excluded.

SIR JOHN HAY said, that the larger the field from which coal for the Navy could be drawn the better, and if the mixture of Northumberland coal and Welsh coal proved to be smokeless he should be glad of that result. He was a little sceptical on the point, but would be guided by the Returns relating to the experiments. It should also be ascertained how far the combustion of this combined coal would tend to the destruction of the tubes. It was known that shorter tubes were required to produce the combustion of this mixture of coals, and perhaps it might be found that the cost in destruction of tubes and boilers more than compensated the saving in the difference of price between good Welsh coal and a mixture of North country coal with indifferent anthracite.

MR. SAMUDA said, he must protest against the intemperate language that had been used towards him by the hon. Member for Montrose (Mr. Baxter), and he asked in what way such an attack was justified by anything he said? All he stated was, that it would have been better to purchase one description of oil rather than another, and was such a statement sufficient to justify the attack made on him, followed up, as it had been, by many hon. Gentlemen below the Gangway, one of whom had even gone so far as to say that the course he was pursuing was that of bullying the Admiralty? If hon. Gentlemen were to be restrained by such attacks from the free exercise of their Parliamentary duties it was high time that a stand should be made against it. He would not support any Gentleman sitting on the Treasury Bench if he felt that in doing so he must compromise his independence, and he was surprised that the hon. Member for Montrose had ventured to castigate him in the language which had so unjustifiably been used, and he hoped that the hon. Member would admit that he was mistaken. In reference to what the hon. Member for Birmingham (Mr. Muntz) had said, he denied that he had ever intended to use any expression insulting to the hon. Gentleman, and he had only adopted the common method of expression in referring to the "Manchester and Birmingham school." He observed that the hon. Member (Mr. Baxter) was laughing. That did not either mend the matter or mend the manners of the hon. Gentleman. If the hon. Member (Mr. Muntz) thought that the articles manufactured by his constituents were always the best, he would direct his attention to a statement which appeared in the leading journal—*The Times*—to the effect that American-made axes were preferred to Birmingham axes by the people of the United States, because they could rely on the quality of the former and not of the latter. He could assure the hon. Member for Montrose that he was very much mistaken if he thought to overawe him. He was ready to give the hon. Member credit for what he had properly done in the situation he filled; but he should pursue the course he thought right, indifferent alike to the hon. Member's praise or blame.

MR. M. CHAMBERS said, it might, perhaps, be thought presumptuous for an independent Member like himself to endeavour to be a peacemaker; but he had observed during these discussions a great deal of personality had been causelessly introduced, and they were getting into a state of private quarrelling. If the Gentlemen who sat on the Treasury Bench would allow a non-official representative to say a word or two to them he thought they might arrive at a different mode of debating great questions. Many hon. Members, perfectly sincere in their opinions as to proceedings at the Admiralty, were a little impetuous in the expression of their disapproval, and the Secretary to the Admiralty was naturally very susceptible and sensitive. The moment an attack was made on some general principle adopted by the Admiralty as to contracts or any other matter, the hon. Member for Montrose rose in his place and treated it as an attack upon himself. Like an honourable man he strongly repudiated any insinuation against his own conduct, and the moment he did so there arose a conflict between him and certain other Members, and the result was a little too much unpleasant personality. ["No!"] That could not be denied; and he would put it to the Committee whether it would not now be desirable to go on with the Estimates? But this could not be done if any hon. Member who condemned a course adopted by the Admiralty were regarded as making individual attacks. It was a great pity they should institute these unnecessary comparisons between the London and Manchester schools of financial economy, especially at so late an hour.

Sir JOHN HAY said, he wished to put a question with regard to the sales of timber at the various dockyards. The establishment provided that 60,000 loads should always be retained in store, which was equal to a three years' supply. The quantity used in each year was about 20,000 loads. This arrangement insured the timber being well seasoned. He saw that the sum taken for timber this year was £23,000; whilst, at the same time, large sales were going on of the very large amount of timber provided for by Lord Palmerston's Government in excess of the three years' stock required by the establishment. He wished to know what was the quantity the present Government desired to keep in stock, and also whether the timber to be purchased was teak or other material?

Mr. CHILDERS said, he could not give off-hand the information which the hon. and gallant Gentleman asked for. The old rules with respect to the supply of timber had been very much altered; but the Admiralty had not yet drawn up any precise regulations as to the establishments of all articles. At present there was a very considerable excess, which they were trying to get rid of; and the quantity which it was desirable to have in the dockyards would be a subject of consideration in the present year. With the exception of a comparatively small quantity, all the timber purchased this year was teak. He was anxious to say the Admiralty did not complain of discussion. They courted it. What they did complain of was insinuations against the motives of Members of the Board. He hoped the Committee would now allow the Vote to be taken.

Mr. CORRY, who rose amid cries of "Oh," said that he begged to remind hon. Members who called out "Oh!" that this was one of the most important Votes in the Navy Estimates, and that he had not uttered a single syllable during the debate. With regard to the subject of timber, the language held by his right hon. Friend opposite seemed to imply that the present Board was the first which had seriously turned its attention to the reduction of the large accumulation in the dockyards. Several causes had contributed to the accumulation of timber, the chief one being the entire abandonment of the use of timber for the frames of ships whether built of wood or of iron, and the adoption of iron in its stead. The consequence was that some of the finest timber the world ever saw remained on their hands. But the late Board had adopted, when in Office, every means in their power to dispose of the surplus timber. In 1867 the Board of Admiralty set apart 1,500 loads at Devonport, and 1,000 loads at Deptford. The cost price of the timber at the former place was £13,000, and at the latter £10,900. The Admiralty placed a reserve price on the timber at Devonport of £9,700, and at Deptford of £4,100. But the highest offer they got was £3,600 in the one case, and £3,200 in the other. To accept the £3,600 for timber which cost £13,000 would have been throwing the timber away; but the price offered at Deptford was accepted. They, however, issued the Devonport timber to the shipwrights' department at the reserved price instead of at the cost price, and under that arrangement a considerable portion of it was utilized by the Controller of the Navy. It was the greatest possible mistake to suppose that they had not made every effort in their power to dispose of this timber. There was, however, a much more important question which arose on this Vote, and likewise on Vote No. 6, which provided for the artificers in the dockyards. He stated on a former occasion that he did not think the Admiralty was making sufficient provision for the maintenance of the naval strength of the country. Of unarmoured vessels the First Lord of the Admiralty said he proposed to build at the rate of one frigate and one sloop or corvette each year. That would give 20 frigates and 20 sloops or corvettes in 20 years, which period was about the average life of a steam ship of war; so that the proposed scheme of work would be sufficient to provide and maintain a force of only 40 unarmoured vessels above the size of gun vessels—a force quite inadequate to the protection of our colonial and commercial interests even in time of peace. We had now in commission, notwithstanding the reduced strength of the foreign squadrons, 27 frigates and corvettes and 18 sloops; that was, 45 vessels above the rank of gun vessels; but to keep 45 vessels in commission we should require 66, or one-third more, which was the smallest margin which could be allowed for the vessels under repair and fitting for service. And that number would suffice for the existing peace establishment only, irrespective of the reserve of ships which would be indispensable in the event of an emergency. Therefore, the present Estimates were quite inadequate to maintain the power of the British Navy in that condition which our colonial and other interests made absolutely necessary. In his (Mr. Corry's) opinion the work proposed to be executed in building unarmoured ships of the larger classes, was not more than one-half of what it ought to be, and the Admiralty would have adopted a more statesmanlike and considerate course if they had retained in the service the large number of artificers which were to be discharged from the dockyards, and appropriated to the building of additional ships a portion of the excessive stock of valuable timber which is to be sold for what it will fetch in the market. As respected armoured vessels he did not so much complain of his right hon. Friend's proposal. The First Lord proposed to build three new armoured ships every year. No doubt a considerable force would be maintained in that way; but he held it to be the duty of the Admiralty to maintain the British Navy in a position of clear superiority over that of the navy of any other country, no matter what might be the number of armour-clads necessary for this purpose. At the present moment England and France had each 40 sea-going armour-clads. France had 33 broadside ships; England 31. She had seven turret-ships and rams, while we had nine. In addition to that France had 11 batteries. That did not show any great superiority on the part of our Navy, which ought to be on something more than a bare equality with France. Considering the many points we had to defend, and our enormous commercial navy, France, with a force equal to that of England, would have double our power of aggression. With a narrow sea between us we should have a clear superiority over France, whose military resources were so much greater than ours, and he did not think the Estimates of his right hon. Friend would be sufficient for that purpose. As to the unarmoured ships, he was also strongly of opinion that the Estimates of the right hon. Gentleman were insufficient. It would have been, as he had said, a sounder policy had his right hon. Friend retained the 2,800 dockyard workmen who were to be discharged, and placed our Navy in a satisfactory position in this respect.

Mr. CHILDERS said, his right hon. Friend had raised a question not commonly discussed on this Vote—namely, the comparative power of the English and French Navies. A very experienced Member of the House used to say that there seemed at the Admiralty to be two pigeon-holes, in one of which were accumulated proofs to show that the French Navy was far superior to ours, and that the country was, therefore, in great danger, while in the other pigeon-hole were kept proofs that we were remarkably strong at sea; and there never appeared to be any distinct reason for resorting to one pigeon-hole more than another. Now, it was difficult to understand, that the late Board of Admiralty should have reduced the force of the dockyards in six months by 5,000, and should have laid down no new ships at all, and yet that his right hon. Friend should blame the present Board for not building enough ships. It had been his aim to prevent, for the future, the constant ups and downs which had occurred in the past, when in one year no ships were laid down, and in another year many; when sometimes all the ships begun were iron, and sometimes all wood; when one year the number of men was increased, and in another it was reduced; when sometimes large contracts were given out, and sometimes none at all. Such a system, or such a want of system, was most uneconomical. He wished to substitute a steady amount of work applicable to the present state of things, and not liable to change unless there was some distinct reason for it. Instead of stopping shipbuilding altogether—a legacy left to the present Admiralty by the late Board—he had thought it politic to build 19,500 tons a year, about 12,000 tons of which were armoured and 7,500 unarmoured ships. With respect to armoured ships, his right hon. Friend admitted that on the present basis the Board had provided what was necessary, though he said our force might be exceeded by that of some foreign Power. Well, when that time came, or before it came, it would be necessary to build more armoured ships. The right hon. Gentleman contended that 7,500 tons of unarmoured ships per year was not a sufficient provision, as that would only give one frigate, one corvette, and three gunboats. But that was not what he (Mr. Childers) had said. The 7,500 tons would produce one frigate, one corvette, and three small vessels of the sloop class. The right hon. Gentleman said that 20 years might be taken to represent the life of a wooden ship; but he (Mr. Childers) thought that was below the mark. As ships were now built, and according to their present strength, 30 years would be much nearer the mark; though not, of course, if the vessel were constantly in commission. With 7,500 tons of unarmoured ships built annually there would be about 200,000 tons of wooden shipping, and this was quite sufficient for the present requirements of the service. This Estimate was not the result of guesswork. Great pains were taken by those who advised the Admiralty on this point to estimate what the strength of our wooden Navy ought to be, and after careful investigation and comparison they arrived at the conclusion that provision for an annual increase of 7,500 tons was sufficient.

Mr. CORRY said, this was not the first time that the right hon. Gentleman opposite had stated that his (Mr. Corry's) Estimates for 1869 were based upon the foundation of an entire suspension in the work of shipbuilding. Nothing could be more untrue. Though he had been soundly abused for this in stump speeches made on the subject, the fact was that the late Government had laid down a very large number of powerful armoured ships, no less than ten during their two years of Office, of which seven were ordered while he (Mr. Corry) held the office of First Lord. So far from ship building having been suspended in his intention, the completion of these vessels necessitated the provision of about £1,300,000 in the Estimates for 1869-70, which he considered a very handsome legacy of obligation to bequeath to his successor. If it had not been for the seven broadside armour-clads laid down by the late Government, in addition to two turret ships and a ram, the comparison which his right hon. Friend had made between the armoured Navies of England and France, and which showed there were 33 broadside ships in the French, to only 31 in the English Navy, would not have been of a very satisfactory character. It was true that he had not proposed to lay down any new ships; but that was because he was waiting to see the result of the experiment with the *Captain* and the *Monarch*, and in thus waiting he was supported by the almost unanimous opinion of naval officers. The right hon. Gentleman claimed great credit for his improvements on his (Mr. Corry's) Estimates; but the three turret ships he had ordered to be laid down last year were little more than ships on paper. One of them, although ordered more than a year ago, was not even yet laid down. Only that very morning the *Sultan*—one of his (Mr. Corry's) ships—was floated out of her dock at Chatham the very dock in which that ship was to be built, and the Estimates for last year provided only about £70,000 towards the building of the three ships—or not one-tenth of their entire cost. In these days of rapid innovation in the designs of ships, he considered this a most unwise policy.

Mr. GOLDNEY said, he hoped that, after the long discussion which had arisen on the general question, the Committee would now be allowed to address itself to the practical discussion of the Vote under consideration.

Mr. GOURLEY said, he thought they were proceeding upon an erroneous policy in building so many iron-clads, when the experiments at Shoeburyness proved that those ships were not invulnerable either in their sides or their decks. Besides half those vessels were fitted with machinery of the old style, and half with machinery of the new. And what to his mind was the special weakness of these iron-clads vessels was that they could only only carry fuel sufficient to enable them to steam from Portsmouth to Gibraltar. Hence, in the event of hostilities, they would be, for practical purposes, almost as obsolete as the old wooden ships. If ordered to proceed to Canada, for instance, they would only be able to steam for five or six days consecutively, and a swifter vessel of greater power carrying one or two heavy guns would, at the end of that time, be able to compete successfully with many of our armour-clads. He asked the First Lord of the Admiralty if these were the kind of ships which a great naval Power like England ought to possess? He considered the amount proposed to be taken for repairs, refitting, &c., excessive, and accordingly moved that the Vote be reduced by the sum of £33,000. He did not wish to interfere with what was done by contract.

Motion made, and Question proposed,

"That a sum, not exceeding £746,090, be granted to Her Majesty, to defray the Expense of Naval Stores for Building, Repairing, and Outfitting the Fleet and Coast Guard, which will come in course of payment during the year ending on the 31st day of March 1871."—(*Mr. Gourley.*)

MR. CHILDERS opposed the Motion, in support of which he had heard no sufficient argument.

Question put, and *negatived.*

Original Question put, and *agreed to.*

(2.) £466,173, Steam Machinery and Ships building by Contract.

MR. SAMUDA said, they had now got to the second part of the subject. The amount proposed to be taken was extremely small, only £184,000 being allowed for contract shipbuilding. Since the present Board of Admiralty came into office they had not built a single ship of war by private contract. He confessed he did not altogether approve the course intended to be pursued by his right hon. Friend the First Lord, who proposed to build 20,000 tons of shipping annually for the next 20 years. Looking at what the Admiralty had done in the last 10 years, he did not think it very probable that in the next 20 years they would produce the best possible results. During the last 10 years they had adopted no fewer than eight distinct types of vessels; but, in his opinion, the later types were not always improvements on the previous ones. In 1867 his right hon. Friend opposite (Mr. Corry) acted on the suggestion that all the shipbuilders should be asked to propose what in their judgment would most contribute to the successful production of armour-plated ships. This wise appeal was responded to very extensively, and the results would have been very beneficial; but unfortunately his right hon. Friend lost his self-reliance at the last moment and handed over his jurisdiction in the matter to an official in the Admiralty, who looked with disfavour upon every suggestion which emanated from without. He regretted, moreover, to add that the present First Lord voted against him when he brought the subject under the consideration of the House. The Admiralty had always been behind the age, and had even gone on building sailing vessels long after persons well qualified to form a judgment had expressed their opinion in favour of steamers. The country owed a great debt of gratitude to the right hon. Gentleman opposite (Mr. Corry) because in his official capacity he was the first to adopt the screw for most of the vessels in our Navy. Within the last few years the whole question of constructing ships of war had been materially modified by the experiments set on foot to ascertain the effect of torpedoes. If it should be found that torpedoes could be effectually used on a large scale, the whole of our present iron-clad arrangements would be comparatively useless. He had no doubt it was our imperative duty to keep ahead of all other nations in regard to the strength of our Navy. When the right hon. Gentleman had attained this object he might deliberately consider the plans necessary for the future progress of the service. He ventured to express an opinion that it would not be necessary to keep on building very heavy armour-plated vessels. A very large weight of armour was a radical mistake, for he felt convinced that no quantity of it could keep out shot from the guns of the present day. A smaller amount of armour would suffice, however, to keep out shells, and this was all we ought to aim at. From six to eight inches of armour was all that was necessary or advisable. He therefore implored his right hon. Friend not to be led away by the impression that the right thing was to go on building 20,000 tons a year without reference to the considerations he had just brought forward. Nevertheless, he thought it desirable to build vessels at a uniform rate, because nothing tended more to degrade and demoralize the working classes than to force on them for a short time an unusual amount of prosperity, to be followed by a corresponding amount of adversity. He thought that a larger sum might be appropriated for experimental purposes. It was proposed to increase the tonnage of the ships to be built in the course of the next financial year, and yet the work contemplated last year had not been completed, no less than £55,000 of the sum voted in respect of two ships being yet unspent. He wished, in conclusion, to make a few remarks with reference to the *Captain* and the *Monarch.* They had not yet been tried, and he was afraid that in those matters right hon. Gentlemen, whether they sat on one side of the House or on the other were very much in the hands of those in their Department. It involved, at all events, a very long process to get any of those vessels tried so as to enable anything like an adequate conclusion to be arrived at with respect to them. The best course to adopt was, he thought, that the Admiralty should rely on the judgment of those who were most qualified to advise them, while they used their own discretion as to accepting or rejecting that advice.

Mr. GRAVES expressed his regret that, although he had on more than one previous occasion urged upon the Admiralty the expediency of adopting the new type of engine in our Navy, there was only one of those engines as yet to be found afloat. In our Mercantile Marine, what was known as the compound type of engine was coming into universal use, why was it that the Admiralty were so slow in adopting the greatest known improvement in steam machinery? The outside world had shot ahead, for no one would now think of putting into a ship the engines in use in the Navy. He knew of an instance of obsolete types of engines ordered by the Admiralty eight years since being still in the hands of the makers, because improvements had sprung up in the manufacture; the result being a loss to the country, in one case, of over £20,000. There were engines now being made for ships in the Navy, which he did not hesitate to say would never be put into them; and seeing the economy of fuel which was the consequence of the adoption of the compound system, he was surprised that the generally-condemned coal-consuming old type of engines should be preferred to the economic double compound. Economy of coal was an increase of power in whatever light we regarded it. To be able to put on a ship an increased weight of armour by reducing the quantity of fuel, would be, it was obvious, a great advantage; or if continuous steaming was required, a gain of one-third to one-half would be obtained with the same quantity of coal now used. He was able to state that many to whom proposals had recently been made to send in tenders for engines had expressed their astonishment that they should have been applied to to furnish a class of engines which were become obsolete. They also complained that they had been asked to send in those engines within five months—far too short a time for any maker to supply them in, unless it might be the firm who possessed the designs and models of similar engines previously supplied to the Admiralty. If the orders had been given sooner—as they might have been, he saw no reason why seven or eight months should not be given, so that the whole competitive power of the engine-makers of the country might be brought into play, instead of having the supply turned into a monopoly. He must also express his regret that Papers had not been laid before the House to show the results of the trials of the *Invincible*, the *Audacious*, and the *Vanguard*, and he should like to have some explanation as to the singular results of the trials in the case of those three vessels, for he found that whereas the maximum speed of the *Invincible* and the *Audacious* was only 13½ knots an hour, the *Vanguard* had attained a speed within a decimal of 15 knots an hour. The three vessels had been built on the same lines, had the same kind of engines, the same power, and, in all respects, sister ships; two of them must be regarded as failures if no higher rate of speed could be realized, and one was a remarkable success. In the Channel fleet last autumn there were three new vessels—the *Northumberland*, the *Monarch*, and the *Hercules*, all of which were fitted with a new steering apparatus, which it was reported did not act in a satisfactory manner. The reports on these vessels were most condemnatory so far as the steaming qualities were concerned; the rudders could not be relied on, and anyone who knew anything of a ship could appreciate how dangerous was a bad steaming vessel; it may have been the balanced rudder, or it may be a defect in construction; but, whatever the cause, if other vessels of that class were built the defect ought to be remedied.

Mr. CHILDERS said, that as to the result of the introduction of compound engines he could not speak positively; but he must point out that there was a difference between merchant ships and vessels of war, and that difference led to a difficulty which the skill of constructors would probably overcome. Last year the Admiralty entered into contracts for two pairs of engines on that plan, and at no distant date he should be able to say to what extent they were satisfactory. His own impression was in favour of the system, which he knew had been very successful in merchant ships. As to the three vessels which the hon. Member for Liverpool (Mr. Graves) had mentioned, it was true that the *Vanguard* had shown qualities superior to the other two; but the trials of those ships were still proceeding, and he, therefore, would not prejudge the official Report which should be presented to the House. As to the balance rudder, considerable difficulty had been experienced in steering with it, especially when under canvas; but he could not call it a failure, as it was in some respects a decided success, and as far as his experience had gone he did not feel at all disappointed. The hon. Member for the Tower Hamlets (Mr. Samuda) had set him a problem which, he confessed, he despaired of solving. He was to save more money, and to reduce the building in the dockyards; but he had been wrong in closing Deptford and Woolwich, and he ought not to have discharged so many men. For his part, he utterly despaired of reconciling these objections. With respect to the proportion of shipbuilding to be done in the dockyards and that to be given to private contractors, he thought he had last year laid down a fair plan of adjustment, not off-hand, but after much consideration. He proposed to expend £184,000 this year on ships built by contract, and £200,000 next year, and he would abide by the decision arrived at last year until he was convinced to the contrary.

Sir JOHN HAY said, that he desired some information as to the course the Admiralty intended to pursue with regard to further experiments in the use of hydraulic propulsion. He thought that all the experiments had shown it to be very satisfactory, and he thought that that invention would certainly be extensively adopted in future. It was free from many of the objections which might be urged against screw propulsion. It was under the eye of those in command, and had not the liability to fouling to which the screw was liable. It left the action of the rudder unimpeded when the ship was not under steam, and gave facilities for stopping, turning, and steering, which no other propeller possessed. The only doubt seemed whether it could give the highest velocities; yet the experiments in the *Nautilus* seemed to show that it could, and the *Waterwitch* was quite as successful as the *Vixen* and *Viper* with the single and twin screw respectively. He thought it a pity that the Admiralty had not caused one of their new ships to be fitted with it, and thus lead the way and show the great advantage of this system, both to the Navy and the Commercial Marine.

Sir JAMES ELPHINSTONE read a passage from the letters of *The Times*' correspondent, who accompanied the right hon. Gentleman the First Lord of the Admiralty last year upon his cruise, stating that upon one occasion, in wearing round, the *Hercules* for more than half-an-hour refused to answer her helm, while the *Monarch*, in like manner, refused to stay; and said that this occurrence in the case of the two ships was to be explained by the fact of their having adopted that greatest absurdity in naval art, the balance rudder. This description of rudder was acted upon in two different fashions by the water, the result being to "put the ship in irons." And the only way in which the defects thus arising could be cured was by cutting off the upper or balance portion of the rudder, and turning it back again into one of the original pattern. He warmly approved the class of engines referred to by the hon. Member for Liverpool (Mr. Graves), and gave to the House his personal experience of a recent voyage from India on board a vessel fitted with these engines. If the Admiralty would only make patent coal for themselves, instead of squabbling with Members representing the different coal ports, they would save a great deal both of time and money. Good stokers, however, were indispensable to the success of such a scheme, and the right hon. Gentleman had discharged all the trained stokers and taken men from the shore, who nominally received less wages, but cost the country vastly more through waste of material. It was deeply to be regretted that the Admiralty had not taken up the hydraulic propeller and given it a fair trial. That appliance, originally invented by a Scotch mechanic in Ayrshire, was adopted and supported by Lord John Scott with, the hope of facilitating the towing of fishing boats, and thus of saving life among those engaged in the Scotch fisheries. After his death, however, the invention languished until taken up by Admiral Elliot, who, by persevering effort and considerable expenditure out of his own pocket, at length induced the Admiralty to give it a trial. But, as the invention was not one to which the Department could lay any claim, it was tried on a vessel not sea-going and essentially unseaworthy, and then apparently thrown aside. He was perfectly convinced that the hydraulic principle would supersede every other.

Mr. CHILDERS said, if anyone was to blame for not carrying the hydraulic principle further it was not the present Board of Admiralty. He was not, however, disposed to throw cold water upon experiments which, if successful, would be of considerable advantage; but he could not at that time give any distinct pledge upon the subject.

Vote *agreed to.*

(3.) £744,232, New Works, Buildings, &c.

Mr. CHILDERS observed that as he was desirous to reciprocate the confidence displayed by the House in the Vote recorded before dinner that day, it was his intention to lay upon the Table the whole of the correspondence between the Admiralty and the Director of Works and the contractors with reference to the contracts for the Chatham and Portsmouth Extensions since these contracts were made. He would, therefore, take care to put the House in possession of all the documents and Papers relating to the subject.

Mr. WHITWELL said, he was quite prepared to place confidence in the right hon. Gentleman, and had exhibited that disposition by his vote that day; but as the question of the extension of the

Chatham Dockyard was a very serious one, it would be more satisfactory that nothing should be at present undertaken beyond the completion of the docks and the two basins which it was proposed to construct.

Captain STANLEY concurred in the remarks of the hon. Member, and said he was glad to hear the First Lord of the Admiralty intended to lay the correspondence on the Table. He desired some further information with respect to the employment of convict labour provided for in the Vote.

Mr. CHILDERS said, he would lay upon the Table of the House everything that he could which could furnish information upon the subject of this Vote. He trusted to be able to restrict the works in the manner suggested by his hon. Friend the Member for Kendal; but he could not at that moment give any more distinct pledge upon that subject.

Mr. SAMUDA trusted that if it was proposed to spend more money than was now contemplated, his right hon. Friend would first obtain the sanction of Parliament to such expenditure.

Sir JOHN HAY referred to the Act of Parliament for the purpose of showing that his hon. Friend (Captain Stanley) was perfectly correct in his description of it. The sum stated was £1,190,000 for the completion of the works specified. One dock had been taken off the hands of the contractors, and all the money was spent, while the House was pledged to £490,000 more.

Mr. CHILDERS said, that the Act did not prescribe the total expense, but only limited the amount for which Parliament would be liable under a contract spread over a series of years. If this was exceeded, the contractor would have to take his chance of the approval of Parliament. In the original Papers laid before Parliament, the chances of the large sums now likely to be required being incurred were distinctly stated. He (Mr. Childers), however, would take care that the Vote for Chatham Extension was not exceeded this year.

Mr. SAMUDA said, there was one other subject to which he wished to direct attention. The sum stated did not include machinery. Now, he found on his table a catalogue of an enormous quantity of machinery, of recent construction, which was about to be sold at Woolwich, probably for little more than the price of old iron. Now, what he wished to know was whether that machinery might not be made available elsewhere?

Mr. CHILDERS said, the greatest possible pains had been taken, with reference to that machinery, to see whether any portion of it could not be used at Chatham, or elsewhere.

Vote *agreed to.*

Mr. CHILDERS said, he would pass over Votes 12 and 17, in order to take the Greenwich Vote, on which his hon. Friend opposite (Mr. T. Baring) wished to make some observations.

(4.) £133,996, Greenwich Hospital and School.

Mr. T. BARING said, he wished to know under what authority a sum of £500,000 stock had been sold in December last, and invested in Indian securities? Was there any distinct authority given by any Act of Parliament to enable the First Lord of the Admiralty for the time being to make a change in the security; and if the change was made to Indian securities, were they considered of equal responsibility with the British funds? There was another question—whether, in making that sale of £500,000, thus transferred into these Indian securities, the right hon. Gentleman had communicated with the Chancellor of the Exchequer, who, on the same day, had £7,000,000 of stock to dispose of? Certainly no intimation had been given to the public of this financial operation. He put these questions without at all intending to call in question the conduct of the right hon. Gentleman; but he thought it desirable to know the principles on which he had acted.

Mr. CHILDERS said, he had much pleasure in answering the questions of his hon. Friend, and he did not hesitate to say there was no Member of the House who was more entitled to ask them. The Admiralty was distinctly empowered by the Act of 1865 to invest in or transfer to the special securities mentioned in the Act—that is, stocks, funds, and securities payable by way of guarantee or out of the Revenues of the United Kingdom or India. Part of the Greenwich funds were vested in mortgage, partly in the Three per Cents, and partly in the Guaranteed Five per Cent Fund payable out of the Revenue of India. The change of security was distinctly contemplated by Act of Parliament, and it was very desirable to add to the revenue of Greenwich Hospital a sum of £7,000 a year, which was the result of the change of security. The second question put by his hon. Friend was whether he had communicated with the Chancellor of the Exchequer. In answer to that he had to say he was aware of the arrangement made by the Chancellor of the Exchequer, and he must at once admit, that it might have been better if the purchases had been made a few days sooner; but the market was, in fact, not in the least affected.

Sir JOHN HAY said, he had listened with some attention to the reply of the right hon. Gentleman to his hon. Friend the Member for Huntingdon. He confessed he did not think that he replied in a satisfactory manner to his hon. Friend. He was for some time a member of the Royal Commission, and therefore saw with some surprise the financial arrangement now under discussion. The revenues of Greenwich Hospital were derived principally from land and from about £2,000,000 invested in the ordinary public debt of the country. The Act to which the right hon. Gentleman alluded, no doubt, authorized him to invest the accumulations in the securities of Indian Railways or other stocks guaranteed by England; but he could not believe it was ever contemplated that large quantities of stock were to be sold at the pleasure of the Minister, and transfers effected such as those shown by the Return he held in his hand. It appeared from that Return that nearly £600,000 Three per Cents and other cognate securities—the exact sum was £591,568—was sold at a price a little over 92, producing £544,484, and this, again, was invested in £500,000 Indian Railway Stocks, thus diminishing the capital by a sixth or £91,000. It was true that the revenue has been increased by above £7,000 a year; but that, of course, represented diminished security, and he could not believe that it was statesmanlike to raise the revenues of Greenwich Hospital by such a process. If Greenwich required £7,000 extra, he was sure it would have been wiser to have obtained it by a Vote of that House rather than by a transaction which was, in his opinion, questionable and unprecedented.

Vote *agreed to.*

Resolutions to be reported upon *Thursday* 9th June;

Committee to sit again upon *Thursday* 9th June.

House adjourned at a quarter after One o'clock, till Thursday 9th June.

HOUSE OF COMMONS,

Thursday, 9*th June*, 1870.

MINUTES.]—New Member Sworn—Viscount Mahon; *for* Suffolk (Eastern Division).

Supply — *considered in Committee*—Army Estimates.

Resolutions—Navy Estimates [May 31] *reported.*

Public Bills—*Ordered—First Reading*—Protection of Inventions* [157].

Second Reading—Jewish United Synagogues* [151]; Saint Olave, &c. Charities* [152]; Pier and Harbour Orders Confirmation (No. 2)* [154].

Committee — Report — Customs and Inland Revenue [133-156].

WASTES OF MANOR IN WALES.

QUESTION.

Mr. WALSH said, he wished to ask the Secretary to the Treasury, Whether it is the practice of the Commissioners of Woods and Forests to permit encroachments to be made in those wastes of manor in Wales of which the Crown is Lord, on condition that the encroachers pay either the estimated value at once or an annual rent calculated at 5 per cent on the estimated value; and, whether, if this is the case, he will take any steps to put a stop to a practice so unfair to the rest of the commoners?

Mr. STANSFELD replied, that encroachments not unfrequently occurred upon those wastes of manor in Wales of which the Crown was Lord, and when they took place it was the practice of the Commissioners of Woods and Forests to require the encroachers to recognize the title of the Crown either by paying a rent or purchasing its rights; but in the case of purchase the conveyance of the rights of the Crown reserved the rights of the commoners.

CHARITABLE TRUSTS ACT (1869).

QUESTION.

Mr. A. JOHNSTON said, he wished to ask the Secretary to the Treasury, Whether any, and if any, what steps have been taken to carry out the provisions of Section 16 of the Charitable Trusts Act, 1869?

Mr. STANSFELD replied, that under the section referred to by the hon. Member, the Charity Commissioners were to frame a scale of fees to be submitted to the Treasury for approval. That had been done, and the scheme was now under the consideration of the Treasury.

CONSTITUTION OF GREECE.

QUESTION.

Mr. MONK said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether there is any objection to lay upon the Table of the House, Copies of any Despatches which have been received at the Foreign Office since the year 1861, from Her Majesty's Representatives at the Court of Athens, and from the Courts of France and Russia, pointing out how ill-suited the existing Constitution is to the Greek Nation?

Mr. OTWAY said, in reply, that some communications of the nature referred to by his hon. Friend had reached the Foreign Office; but they were, however, of a confidential character, and the Government thought that they ought not to be laid before Parliament.

INDIA—EAST INDIA COMPANY.

QUESTION.

Mr. HAVILAND-BURKE said, he wished to ask the Under Secretary of State for India, Whether there is any objection to lay upon the Table of the House a Copy of a Letter from the Court of Directors of the East India Company, dated the 17th May, 1766, and referring to the duties of the Dewanny, of the Provinces of Bengal, Behar, and Orissa; and also a Copy of the Letter from the Governor of Calcutta to the Court of Directors to which the above Letter was a reply?

Mr. GRANT DUFF replied, that there was no objection to lay the Papers on the Table.

APPOINTMENT OF MR. LOWRY.

QUESTION.

Mr. WEST said, he wished to ask, Whether the Chancellor of the Duchy of Lancaster or Her Majesty's Government are parties to any arrangement by which the object of the Amendment of the hon. Member for Salford (Mr. Charley), respecting the appointment of Mr. Lowry, would be amicably attained?

THE SOLICITOR GENERAL said, in reply, that his noble Friend the Chancellor of the Duchy of Lancaster had placed in his hands the Papers relating to the appointment of Mr. Lowry; and on the evening when the Amendment of the hon. Member for Salford (Mr. Charley) was to have come on, he had been in his place to give an explanation; but when the House was about to divide on the Banda and Kirwee Prize Money question, he went out, not wishing to take any part in that Division, because he had given an opinion on the question. The next day he was surprised to find it reported that in withdrawing his Motion the hon. Member for Salford stated he did so in consequence of his having reason to believe that the object he had in view would be amicably attained. Only half-an-hour before the hon. Gentleman withdrew his Amendment, he (the Solicitor General) told him that the Government had a complete answer to the case he proposed to put forward, that he was ready to meet the Motion, and that the hon. Gentleman might take his own course. He believed that between Gentlemen such a communication was generally understood as an intimation that there would be no compromise. He was much surprised, therefore, when he read what the hon. Member was reported to have said about an amicable arrangement.

MR. CHARLEY said, that when announcing his intention not to press his Amendment, he gave as a reason for not pressing it the hope he entertained that an amicable arrangement would be arrived at. That hope had not arisen from anything which had passed between the hon. and learned Solicitor General and himself, but from a conversation which he had had with other Members of that House.

BRIDGWATER ELECTION COMMISSIONERS.—QUESTION.

MR. J. LOWTHER said, he would beg to ask the Secretary of State for the Home Department, Whether any Memorial has been presented to the Home Office relating to the case of Mr. Fenelly, in connection with the Bridgwater Election Inquiry, and whether the matter is still under consideration?

MR. BRUCE said, in reply, that he had no information of any such memorial.

CUSTOMS AND INLAND REVENUE BILL.

[BILL 133.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Chancellor of the Exchequer.*)

MR. CRAWFORD said, he rose to bring forward the Motion of which he had given Notice. He must confess to a feeling of disappointment, which was shared in by other Gentlemen, that a discussion on this somewhat dry subject had not been obviated by some concession on the part of the Government. He regretted that the Government had not proposed a more liberal course of procedure than that which had been indicated by the Chancellor of the Exchequer, and he might add, that in making this Motion he had no other desire than that justice should be done to a considerable body of persons who were largely interested in the commerce of the country. The question between his right hon. Friend and those on whose behalf he was now speaking could not be put more succinctly than it had been in one of the public journals. The article to which he alluded put it that the price of sugar having been artificially enhanced by the imposition of certain duties in the interest of the public, it was now proposed to reduce those duties in the same interest; but the burden of the loss was to fall not on the public for whose benefit the reduction was to be made, but on the merchants who held sugar at a particular date. It would be his duty to endeavour to show that the course which he asked the House to take was in strict accordance with precedent, and that the right hon. Gentleman the Chancellor of the Exchequer was now claiming an exemption on behalf of the State which was opposed to the policy he had himself enunciated on many former occasions. In 1845 there was a considerable reduction in the duty on glass, and an allowance was made to the manufacturers and dealers in respect of their stocks. In 1860 the duty on wine was reduced from 5*s.* 6*d.* to 2*s.* 9*d.*, and dealers were allowed a drawback of 2*s.* 9*d.* a gallon on their stocks. In 1861, when the paper duty was abolished stationers were allowed duty they had paid, and a similar course was followed in 1862, when the duty on hops was reduced 17*s.* per cwt. In all cases either a drawback had been allowed to those who held stocks of those articles, or time had been afforded them in which to dispose of the stocks they had in hand. In the former cases, either the whole or a large proportion of the amount of Excise or of Customs' duty, that had been paid to the Government, was returned to the holders in the same manner as though they had exported the goods subject to those imposts. It might be asked why he had omitted the case of the sugar duties. The case of that duty stood thus—it was proposed in 1845 to make a considerable reduction in the duty upon sugar. No allowance or drawback being provided for, Mr. Hawes, the then Member for Lambeth, made a Motion on the subject, which he (Mr. Crawford) had adopted as a precedent in bringing forward the present Motion, in which he asked that a drawback should be allowed upon all sugar in stock at a particular date. On the occasion to which he referred the feeling expressed by the House was so strong that, in the course of the debate, Sir Robert Peel changed his mind and consented that the drawback asked for should be allowed. In 1864, when the right hon. Gentleman now at the head of the Government introduced his Motion for the further reduction of those duties, three weeks' time was given to the holders of stocks of refined sugars, while a shorter allowance of time was given to the holders of unrefined sugar, to enable them to get quit of their stocks. How did the matter stand in the present instance? In the early part of the present Session it was generally felt that there would be a large reduction in taxation, and the right hon. Gentleman the Chancellor of the Exchequer, in answer to a direct Question put to him upon the subject by the hon. Member for Greenock (Mr. Grieve), had stated—

> "Should it be my good fortune to take the duty off sugar or off anything else, I shall adopt the best means in my power to insure that the interest of those concerned shall not suffer in any manner that is not absolutely unavoidable."—[3 *Hansard*, cxcix. 245.]

And in reply to other Questions on other occasions the right hon. Gentleman had further stated that "he did not see why any injustice to individuals in consequence of any possible alteration in those duties need be apprehended." The conclusion that had been drawn from those replies, by those interested, had been that either a drawback or time would be allowed to those who held stocks of sugar, in accordance with the precedents to which he had alluded. Had it not been for that feeling, the stocks of sugar in this country would have been greatly reduced, and a considerable amount of local distress would have been occasioned in consequence of the stoppage of the sugar refineries. The question was, whether those who had relied upon the statements of the right hon. Gentleman were to be sacrificed for the general good of the community. Various representations had been addressed to the Chancellor of the Exchequer from various parts of the country—from London, Bristol, Liverpool, and other places where refining was carried on—pointing ont the extreme injustice of the Government proposal; and the Chancellor of the Exchequer had met those representations to a certain extent, by allowing the reduction on refined and a certain other class of sugar, less a sum equivalent to the cost of shipping the sugar to a foreign country and back again. Now, he (Mr. Crawford) thought it was undesirable to encourage that subterfuge. The refiners and holders of stock would have been quite satisfied if they had been allowed a few days to get rid of their stock by ordinary consumption, which went on at the rate of 1,500 tons per diem. The Chancellor of the Exchequer, however, had said that even three days, which might have been sufficient for the purpose, were too much, because they would enable refiners in possession of improved machinery to manufacture sugar, on which the reduced duty had been paid, within a day, and, exporting it the next evening, to claim the old duty as a drawback. The information on which this argument was founded, however, was not complete. A refiner might have cleared 100 tons of sugar from the Customs on the morning of Wednesday, the 13th, but out of that he could not have refined more than 40 tons by the Thursday evening. He would have got off the first crystallizations—the cream of the milk, so to say; but if he had so manufactured and exported those 40 tons for the sake of the drawback he would have been a loser in the end, for the remaining 60 tons would have had to be prepared afterwards, at such an increased cost as would render the proceeding inexpedient. The proceeding was chemically possible, but would not be profitable, very much resembling the old story of the man of whom it was said he wore a coat in the evening made of wool which was on the sheep's back upon the morning of the same day. The refiners were willing to place their establishments under Custom-house surveillance for five or 10 days, but this reasonable proposal was declined by the Treasury, as, indeed, was every other suggestion. In making his Motion he had adopted the course taken by Mr. Hawes, the Member for Lambeth, and he hoped the precedent would be followed in all its forms; he hoped, as the Chancellor of the Exchequer and Secretary to the Treasury were against Mr. Hawes's Motion, and finally gave way because the sense of the House was with it, that in this case the Chancellor of the Exchequer would also be prevailed on eventually to give way. He had divided his Motion into three parts. In the first place, he proposed—

> "That provision should be made in the Bill for the Drawback of the amount of the Duty reduced:—On such Duty-paid sugar as remained in any bonded warehouse on the close of Tuesday, the 12th of April, 1870."

As it might be doubted whether there was any sugar so circumstanced on that day, he would mention the fact that Mr. Muhm, a refiner in the East-end, had in a bonded warehouse on the evening of Tuesday, the 12th of April, 631 hogsheads of molasses, on which he had paid the old duty, 3*s*. 6*d*. per cwt, and upon which he was refused the difference between the old and the new duty, although the Customs had the molasses under lock and key. Mr. Muhm's case was strengthened by the fact that on a former occasion, when he had paid the duty by anticipation the day before an alteration was made in the duties, the Customs' authorities required him to pay an addition of 5 per cent consequent upon that alteration, on the plea that the sugar had not left their hands. He did not, however, believe there were many cases in which persons paid duty without at once taking the sugar out of bond. The second part of his Motion was that the drawback should be allowed—

> "On the Stocks of Manufactured Sugar, other than Refined Sugar, or Sugar equal in quality thereto (entitled to the Drawback of 12*s*. the cwt.), being in quantity not less than 100 cwt., and in packages unbroken, in the hands of Refiners and Dealers, on the close of Tuesday, the 12th April, 1870, in places where there are Customs' Authorities."

He thought the dealers fully as much entitled to the drawback as the refiners; and in this part his Resolution followed a precedent laid down by the First Minister of the Crown, who, when Chancellor of the Exchequer, restricted the allowance of drawback in the case of hops to quantities of not less than half-a-ton. They must draw a hard and fast line somewhere, and he (Mr. Crawford) had fixed on 100 cwt., because he understood that quantity would be generally acceptable to the trade, as, also, he believed his other proposals would be. Owners of refined sugar on the morning of Wednesday, the 13th of April, packed up their stores, sent them abroad, landed them on the quay of Dunkirk or Rotterdam, and brought them back to London in the same vessel. In the first instance, they were allowed the full drawback, and the sugar, on being re-imported, only paid the reduced duty. The expense of this operation varied in different cases, being the highest in the case of loaf sugar, which was a very delicate article, and required a great deal of care in handling. The cost of shipping and re-importing loaf sugar might be 50*s*. a ton, or about 2*s*. 5*d*. per cwt.; but other kinds of sugar could be exported at prices varying from 22*s*. 6*d*. to 29*s*. per ton, so that the actual expense of the operation would be only 1*s*. or 1*s*. 6*d*. per cwt. The Chancellor of the Exchequer had, however, assessed the cost at no less than 3*s*., acting, no doubt, on the information he had received from his advisers. He (Mr. Crawford) was in possession of numerous letters showing what was the actual expense of sending out sugar under the circumstances he had referred to. For instance, the firm of Crossfield, Barrow, and Co., of Liverpool, said, that in April, 1870, they exported to Rotterdam 50 casks of fine crystal sugar, and re-imported them in the same steamer on her return voyage, the whole expenses per ton being 26*s*. 1*d*., or rather more than 1*s*. 3½*d*. per cwt. He also had a letter from Messrs. Martineau & Co., sugar refiners, stating that the operation might be conducted for 25*s*. a ton. These figures showed that the Chancellor of the Exchequer was, even according to his own principle, asking too much money, and seeking to make a profit for the Government out of the expenditure on the operation he had alluded to. The right hon. Gentleman claimed 3*s*., whereas it was clear that the actual cost was, at the most, only half that amount. For his own part, he objected altogether to any deduction being made, when the simple justice of the case demanded that the full drawback should be allowed. What was originally required was time to enable the holders of stocks of sugar to get out of them by means of the ordinary process of consumption in the country. If a moderate reduction had been made in the selling price the stocks of sugar would, in a short time, have become so reduced that the question of loss from a change in the duty would have been an immaterial affair in the estimation of those who had to sustain it. The last part of his Resolution proposed that an allowance and drawback should be made—

> "On the Stocks of Sugar under process of manufacture on the premises of Refiners on the close of Tuesday, the 12th April, 1870, which can be identified to the satisfaction of the officers of Her Majesty's Customs."

Whatever claim the refiners might have to the allowance of drawback in respect of the made-up sugar in their warehouses, whether it belonged to themselves or their customers, might be urged with equal force on behalf of all persons who had in their possession sugar on which they had paid the high rate of duty. No difficulty, he was informed, would be experienced in proving to the satisfaction of the Customs' authorities what was the amount of sugar in the hands of refiners and dealers on the evening of the 12th of April, because the books of all the firms were kept with great nicety and accuracy. He might remark, in passing, that these firms had a right to claim from those who administered the law some regard for private interests in this particular. The custodians of the Revenue looked exclusively after its interests, and Gentlemen engaged in commerce found that their just claims received no consideration whatever. ["Hear, hear!"] He was glad to hear that sentiment cheered, because he believed it to be a true one. Merchants were regarded by the Customs and Excise authorities as persons who intended to defraud the Revenue if they could. He must now remind the Chancellor of the Exchequer that the circumstances under which the sugar trade was carried on in this country were not uniform in all places. At London the refiners held, not only their own stocks, but also, partially, the stocks of the dealers who were under contract to take sugar from them. At Bristol, however, the case was exactly the reverse, as there the sugar was taken away by the wholesale dealers as soon as the refiners could turn it out. The same system was also, he believed, in partial operation in the Clyde. At Liverpool, the opposite method was adopted, and, therefore, it was hardly just to apply a general law to the whole of the sugar interests in this country. If we wished to act fairly in this matter, we ought to recognize the principle which had been applied in the case of hops and glass, and to regard the interests of the traders. With the view of raising this question clearly and distinctly he had placed on the Paper a Resolution which he would now move.

Mr. RATHBONE, in seconding the Motion, said, he should be disposed to take up a still higher ground than his hon. Friend the Member for the City of London (Mr. Crawford), for he confessed his inability to perceive that any deviation from the principle laid down of previous sugar precedents, or with regard to hops and glass was other than a practical, though it might be, an unintentional breach of faith. It had been pretty evident, as the hon. Gentleman had remarked, that the sugar duties would be dealt with this Session, and, therefore, the refiners had wished to learn from the Government on what terms they would be treated. A deputation waited on the Chancellor of the Exchequer, who, according to the report in *The Times* of the 4th of February, assured them that he would adopt the best means in his power in order that the interests of those concerned should not suffer. The refiners very naturally interpreted that promise by the light of the precedents adopted on other similar occasions. When they examined those precedents, they found that, in every case but one, ample time was allowed for stocks to be got rid of, while in the single exceptional case Government allowed a drawback. He cast no blame on the Chancellor of the Exchequer, who must be, to a great extent, dependent on officers of the Customs as to what was practical; but he (Mr. Rathbone) was compelled to express his belief that the officers of the Customs had given the right hon. Gentleman very bad information, and had shown themselves to be very deficient in resource and judgment. The right hon. Gentleman had himself stated that time could not be granted, because the process of refining had changed of late years, and that sugar could be refined much more rapidly than before. There was, however, no real foundation for this argument. Sugar refiners had informed him that the same machinery was at work now as heretofore; and if the right hon. Gentleman thought it was possible that the machinery gave facilities for refining sugar, so as to evade the Revenue, he should have adopted the suggestion that was made to him, and put the sugar under bond. The Chancellor of the Exchequer might say that there was no precedent for doing that; but surely if a deviation from precedent were justifiable in the one case, it was in the other. He contended that the Chancellor of the Exchequer was bound to keep his promise, in spirit at least, and allow a drawback. He thought that there was a very strong case for allowing the drawback on sugar in the dealers' hands as proposed by the Resolution before the House. He (Mr. Rathbone) could confirm the statement of the hon. Member for London, with regard to the expense of exporting and re-importing the sugar proposed to be dealt with—1*s.* 6*d.* per cwt. was the extreme deduction that ought to be made. It was of the utmost importance that a feeling of want of confidence should not be created by the proceedings of the Government, which would increase the evils arising from a change of duty by stopping the manufacture of articles for some time before the Budget was declared, and thereby throwing capital out of use and people out of employment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "provision should be made in the Bill for the Drawback of the amount of the Duty reduced:—

On such Duty-paid Sugar as remained in any bonded warehouse on the close of Tuesday, the 12th April, 1870;

On the Stocks of Manufactured Sugar, other than Refined Sugar, or Sugar equal in quality thereto (entitled to the Drawback of 12*s.* the cwt.), being in quantity not less than 100 cwt., and in packages unbroken, in the hands of Refiners and Dealers, on the close of Tuesday, the 12th April, 1870, in places where there are Customs Authorities;

On the Stocks of Sugar under process of manufacture on the premises of Refiners on the close of Tuesday, the 12th April, 1870, which can be identified to the satisfaction of the officers of Her Majesty's Customs,"

—(*Mr. Crawford,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GRAHAM said, the question was one in which the citizens of Glasgow were deeply interested, and that he had had a great many representations made to him as to the feeling of injustice which had been occasioned by the proposal of the Chancellor of the Exchequer. That the right hon. Gentleman had no wish to do an injustice he had not the slightest doubt; but then he was dependent for his information on the officers of Customs, between whom and the merchants there seemed to be a sort of antagonism, and who, animated by a certain *esprit de corps,* suggested to him doubts and difficulties which did not, in point of fact, exist. So far as Glasgow, and, he believed, Greenock also, was concerned, the sugars, with respect to which the right hon. Gentleman had already made a concession, were laid side by side in the stores with the other sugars to which he now denied it, and there would, therefore, be no difficulty in dealing with the matter. It would be perfectly easy to ascertain the position of the stocks in the hands of the dealers who now claimed to be exempted. The Government had the means of obtaining access to their books, and procuring quite as accurate evidence in regard to the subject as in the case of the Income Tax Returns, with respect to which they took the word of those very dealers. It might be said that there was no precedent for the course which the Chancellor of the Exchequer was now asked to take; but neither was there any precedent for so heavy a reduction at one time on the article of the kind. There had been a reduction of 50 per cent in the duty, and the result would be losses to the extent of many thousands of pounds if the right hon. Gentleman refused to make an allowance. He could not help feeling that when the House and the country were meeting the Government in such a frank and cordial spirit with reference to all their financial measures, it was very hard that the commercial classes should be dealt with by the Chancellor of the Exchequer as if he were seeking to drive a hard bargain with them, as if he were in opposition to their interests.

Mr. ANDERSON said, he had very little to add to what had fallen from the hon. Members for London (Mr. Crawford) and Liverpool (Mr. Rathbone), who had just addressed the House; but, inasmuch as the city of Glasgow was largely interested in the subject, he must, as its representative, express a hope that the Chancellor of the Exchequer would not refuse to listen to the representations that had been made to him in favour of the dealers. The Chancellor of the Exchequer had stated that he understood the case of the dealers perfectly, but that the weakest part of it was that there was no precedent—meaning by that, he (Mr. Anderson) presumed, that there was no precedent in the sugar trade at that time. The right hon. Gentleman had already agreed to concede a drawback to the refiners; but he had declined to extend the concession to the dealers. He (Mr. Anderson) would like to explain to the House, in one word, how it was that there was no precedent in the sugar trade for such a proceeding. It was because the trade had of late years entirely changed. In the year 1845 there was a large consumption of the raw material in this country, whereas there was at present none. At that time they kept the sugar in the bonded stores, and when they got an order from the grocers they ordered it out of those stores; but the whole trade had entirely changed. The sugar now all went through some process or other of refining, and the dealers bought it from the refiners instead of getting it out of the stores. The refiners took exactly the same course as they used to do. They got it out of the bonded stores. The dealers now bought it from day to day of the refiners, but they did not take it away; they left it on the premises of the refiner till they wanted it, and they paid a store rent for it. They simply ordered a certain quantity of it as they wanted it. There would, therefore, be no difficulty in ascertaining quite correctly what the quantity was as the two laid side by side. In point of fact, the Government inspectors had been sent to the Clyde to take the stocks of the refiners, and had taken not only the stocks of the refiners but the dealers also, so that the Government were already in possession of the facts necessary to enable them to estimate the amount of the reduction. He would also confirm what had been already said about the charges, if the reduction was to be less than 3*s.* He thought the Chancellor of the Exchequer had estimated the costs a great deal too highly, and that 1*s.* 6*d.* per cwt. would be a far more correct allowance in that respect.

Mr. Alderman LUSK said, the sugar refiners were fortunate in having the hon. Member for London (Mr. Crawford) as an advocate; but he maintained that their case was by no means so hard as had been represented. Three or four weeks before the Budget was brought forward, a Question had been put to the Chancellor of the Exchequer to which he gave an answer which was regarded as very unsatisfactory by manufacturers; and in consequence of which a great many sugar refiners stopped refining altogether, because they thought it indicated that some change was about to be made. The result was that so much was not done in sugar generally, and that there was an increase in the price of fine sugars. Some bold men, no doubt, went in during this time of suspense with the view of making a profit, and if wrong, trusted to obtain drawback. That to which he wished, however, especially to invite the attention of the House was the fact that, after the Budget had been brought, forward the reduction in the price of duty-paid sugar bore no proportion to the reduction in the duty. The average price, indeed, was about the same for six weeks before and for six weeks after the reduction, and he believed that those engaged in refining had never had a better time of it than during the latter six weeks. The public had derived no benefit from the reduction of duty, the whole of which, on the class of goods under consideration, had gone into the pockets of manufacturers, and the community generally were, therefore, he thought, indebted to the Chancellor of the Exchequer for standing up in defence of the interests of the public.

MR. MORLEY said, he thought the hon. Member for Finsbury (Mr. Alderman Lusk) had been misinformed, and that there would be no difficulty in satisfying the House that the fall in the price of sugar was equal to the reduction in the duty. That retail customers did not yet receive the full amount of the reduction might be true; but in the case of the wholesale dealers the reduction in the price was fully equal to the reduction in the duty. It was to be regretted that, after the Chancellor of the Exchequer's Financial Statement had been received with favour, there should be any necessity for appealing to the House against the right hon. Gentleman's decision. The House would naturally support any Chancellor of the Exchequer who hesitated to part with the public money; but, on grounds both of justice and policy, the allowance demanded ought to be made. In 1864 seven days were granted, and representations had been made to him (Mr. Morley) that crystallized sugar could be made as quickly then as now. He, therefore, contended that the three or four days only, for which the hon. Member for the City of London pleaded on the Budget night, ought to have been granted by the right hon. Gentleman. He wished to press on the attention of the House the policy of there being an understanding that in all cases where there should be a remission of Customs duties, either time or a drawback should be allowed, in order to prevent that paralyzing of trade that took place from the present uncertainty. He expected that the hon. Member for Greenock (Mr. Grieve) would state that if the refiners had known that the Chancellor of the Exchequer was about to give to the refiners the 21 days which had been allowed there would have been £200,000 more in the right hon. Gentleman's hands on the evening of the Budget; for, in Greenock, the trade was completely paralyzed for a month before the Budget, and many workmen were thrown out of employment because the refiners distrusted the assurance given by the Chancellor of the Exchequer that the interests of the trade would be considered. Where the Chancellor of the Exchequer had been trusted the holders of sugar would have to bear a heavy loss unless the proposed concession were made. He hoped the House would interpose in support of the proposal of the hon. Member for the City of London (Mr. Crawford).

MR. MAGNIAC said, the state of the tea trade, as well as the case of the sugar holders, showed how unsatisfactory was the present system. There was an expectation that the duty on tea would be reduced, and the consequence was that for three months trade was utterly paralyzed, although stocks were large, prices were low, and nothing was wanting to the conduct of a profitable trade but certainty as to the duty. The average trade in tea was 7,000,000 lbs. per month; in January of this year that quantity was reached, but in February it fell to 4,000,000 lbs.; in March to less than 3,000,000 lbs.; and the fact that the deliveries of tea on the 12th day of April —the day after the production of the Budget—were equal to the quantity delivered during the whole of the preceding part of the month was, in his opinion, the best illustration of the unsatisfactory condition of the trade. It was needless for him to go into the details of the money part of the question, the broad question being whether the country should benefit at the expense of certain individuals. If the present management of the Customs' duties were persisted in, the Chancellor of the Exchequer would be killing the goose that laid the golden eggs. For the essence of trade was profit, which was dependent on regularity, and if such arrangements were permitted it was impossible that trade could flourish. He was much gratified to hear the hearty response to the remarks of the hon. Member for the City of London (Mr. Crawford) about commercial morality, and still more to find that the idea that all business men were always trying to get the better of the Government did not prevail in all Departments; but that one right hon. Gentleman who had an intimate knowledge of commercial affairs believed there were as honourable men engaged in business as there were in the Government. If such men were dealt with fairly they would deal fairly in return; but what could the Government expect from persons who were led to suspect that they were not fairly treated? Such men would and must protect themselves, and the sugar trade had a right to shield themselves from injury.

Mr. GRIEVE said, that after the clear and distinct statement of the hon. Member for the City of London he felt it would be a waste of the time of the House if he attempted to go over the details of this matter. He endorsed in every particular what the hon. Member had stated, and confirmed what had been said by the hon. Member for Bristol (Mr. Morley). He could with confidence appeal to the Chancellor of the Exchequer to make a graceful concession to wholesale dealers, for the stand the right hon. Gentleman had taken after repeated remonstrances was unworthy of his high financial position. After all, the amount involved was so small, and the justice of the case so clamant, that he hoped the right hon. Gentleman would give way.

Mr. GRAVES said, he should have been content to leave the case of the Liverpool trade in the hands of his hon. Colleague (Mr. Rathbone); but he was unwilling that the discussion of this question should be wholly on one side of the House, as he knew that several hon. Members who sat near him thoroughly agreed with what had been said by the hon. Member for the City of London (Mr. Crawford). There never was a time when the grant of a drawback might be more fairly pressed than the present, for this was the first time to his knowledge when the whole of the remission of a duty had gone into the pockets of consumers. ["No, no!"] On previous occasions the holders of sugar had recouped themselves by advancing the price; but no such opportunity was given them this year, and the amount of the duty was the measure of their loss. This was not a question that affected merely the sugar trade, but it applied to all kinds of business in the future; because, if the House supported the proposals of the Chancellor of the Exchequer, the entire trade of the country must be stopped whenever it was expected that a reduction of duty would form part of the Financial Statement. The Chancellor of the Exchequer had allowed time to the holders of loaf sugar, and his reason for not granting the same time to other holders was not creditable either to the honesty of traders or to the intelligence of the Customs' officials. Could not the Customs' officials find a ready means of ascertaining on what sugar the higher duty had been paid? The trade had solved this difficulty. They asked for no drawback, except upon stocks which they could prove were in their possession prior to the 12th of April. He joined, therefore, in the appeal to the Chancellor of the Exchequer to reconsider this question, and, even at the last moment, do to the trade an act of justice by which the public would be no sufferers.

The CHANCELLOR of the EXCHEQUER: Sir, I find no fault with the Motion of my hon. Friend the Member for the City of London (Mr. Crawford); but it certainly has a peculiar inconvenience, because it is not in the form of an Instruction to the Committee—although it purports to instruct the Committee in what they are to do, but it is an Amendment to the proposal that we should go into Committee, and I am told, on high authority, that the effect of adopting it would be to prevent our going into Committee altogether. Now, I am sure it is not the wish of my hon. Friend to impede the progress of Public Business. I think, indeed, he gave the House to understand that he moved the Resolution with an impression that possibly he might not have to press it; and if it is possible to do something to meet his views, my hon. Friend will probably be glad to meet me half-way. I shall now proceed to state how the matter stands, what concessions I have made, and what concessions I am prepared to make; and I trust that after explaining, as I shall do, the reasons why we stop short of all he asks, hon. Gentlemen will be of opinion that we have gone as far as our duty to the public enables us to go. When there is a large reduction of taxation there is always a great difficulty as to the interests of private persons. No doubt it is to be wished that great changes of this kind could be made without injury to anyone. But that is impossible. More or less hardship must be endured by private individuals, and the only question is as to the fairest principle to adopt on these occasions. One principle has been suggested this evening, to which I hope the House will not assent—namely, that measures ought to be taken by the Chancellor of the Exchequer to prevent any trade from being dislocated, or from suffering at all. This means simply, that three or four months before the Chancellor of the Exchequer brings forward his Budget, he ought to acquaint the gentlemen in the trade with his proposals affecting them, in order that they may regulate the importation of these articles or cease to warehouse them. ["No, no!"] If this was not the meaning of the suggestion I am at a loss to know what construction to put upon it or upon some of the speeches we have heard to-night. In fact, it would be doing very much what I was told some time ago by the hon. Member for Huntingdon (Mr. T. Baring), I ought to have done in dealing with Consols—that is, when I had £6,000,000 or £7,000,000 of Consols to sell, I should have acquainted everybody with the fact, in order that Consols might fall, and I might get as little as possible for my stock. That is not my notion of the principle on which we should act. An hon. Gentleman (Mr. Rathbone) who spoke against me to-night—and I admit he was not the only one — laid down what I think is the right principle. Speaking of the sort of torture which is inflicted upon the Chancellor of the Exchequer, when hon. Gentlemen wish to extract some information from him and he wishes that nothing should be extracted from him, the hon. Member said that the answers of a person in that unfortunate position ought to be interpreted with reference to precedent. That, really, is the guide which we ought to follow. When a man in my position talks about doing no avoidable mischief, his words are not to be taken too literally. What he means is, that he will do as little mischief as is consistent with his duty to the public at large; as little as he can do without deviating from the rules he finds already laid down; and that he will inflict no wanton damage on anybody. That was my intention and wish, and I cannot think I am fairly chargeable with having led persons to believe that no such change as that actually made would be made. Whatever my answers were, the general effect of them was to show an intention to reduce the duty on sugar to an enormous extent, and my hon. Friend (Mr. Crawford) virtually admits this, when he says that the stocks of sugar before the 11th of April were extremely low. That being the state of the case, I announced a reduction of one-half the duty on sugar. The principles on which I was bound to act seemed clear. I was bound by precedent, and precedent was undoubtedly in favour of making a drawback as regards refined sugar. There was no difficulty about that. On the other hand, I must state, most positively, that the uniform precedent is entirely against making any concession whatever to the dealers. That was the practice, right or wrong; and my hon. Friend has entirely failed to produce any precedent for the allowance of drawback to wholesale dealers. He mentioned the case of glass; but that was an Excise duty, and entirely beside the present question. In the case of Excise duties, a drawback has always been allowed; but in that of Customs, duties it has always been refused. Then he mentioned another case which certainly seemed in point, and that was the case of wine. He said that in 1860 a drawback was allowed on the stocks of wine. But that is just the exception which proves the rule. What was the reason for allowing the drawback at that time? Because the duties on wine had been a matter of negotiation and of uncertainty for many years, and the Government had been under a compact with the trade for ten years past that, whatever the reduction of duties, the trade should have a drawback on the heavy stocks. This was not a precedent; it was a matter of special contract, and has nothing to do with the present question. Then another case occurred in 1845, when a drawback was allowed upon stocks of sugar which had paid duty and had afterwards been retained in bonded warehouses, for the benefit of the holders of those stocks. Certainly that is a precedent; but it is not much to be admired, because it is essentially a one-sided arrangement. The only point then relied on, as Sir Robert Peel showed, was that the sugar had never been out of the hands of the Government. But if the dealers were entitled to a drawback under these circumstances when the Government had reduced the duty, could the Government have demanded an increased duty supposing they had augmented it? That is the test to apply, and I say that the decision then come to was a one-sided one. It is a precedent; I grant that; but it was a precedent forced upon an unwilling Government, and certainly should not be extended or enlarged. I repeat that there is no precedent for giving the drawback, on a change of duty, to the dealers, wholesale or retail, in sugar or any other foreign commodity. But then, if my hon. Friend does not succeed on the ground of precedent, he alleges that time has generally been given to the dealers. Well, time has been given; but it has been given accidentally, and in two places. In the first place, it does not always follow that the proposal is made to the House one day and the Resolution is reported the day afterwards, and time has often been given in this way accidentally. This year the Resolutions were brought up the day after. In previous years, however, by accident—for the convenience of the House and not at all with reference to the convenience of dealers, it has happened that the dealers have obtained time for the disposal of their stocks. Then the case of manufactured sugar has generally been considered, and the dealer has again accidentally benefited from the desire to do justice to the manufacturers. But I am aware of no instance in which time has been given to wholesale or retail dealers. Both the drawback and the time have been given *alio intuito*—with a view to other objects and owing to other circumstances. Not only is the case strong in precedent; it is strong in justice, and in good sense. The manufacturer has an article to produce; he must employ many hands to carry on his business; and therefore he must have a stock of sugar on hand, unless he stops his operations altogether, thereby doing a serious injury to those in his employ. But what necessity is there for a dealer to have a large stock? He knows the time when the Budget will be brought forward; he knows the demands that will be made upon him; he can calculate within a very small quantity what he will require; and why, therefore, should he receive any special consideration in respect of his goods? The practice hitherto has been not to give him such consideration, and if we yield to the present Motion we establish a new precedent of the most alarming description. The claim need not be limited to wholesale dealers. I know not why the retail dealers should not make the same claim. If it be a just claim, the man who deals in sugar over the counter is as much entitled to make it as the man who puts his sugar in a warehouse. Nor is it easy to see why the privilege should be limited to persons in the neighbourhood of a Custom House. York is a great sugar market. It has no Custom House. Why should York be excluded? [Mr. CRAWFORD: Make the concession general.] I am speaking of the proposal of my hon. Friend as it stands. He is bound to present it to us in a form which will hold water. I say I cannot understand why those whose dealings in sugar are above a hundredweight at a time should receive a privilege denied to those whose dealings are below a hundredweight; or why those who live in the neighbourhood of a Custom House should be entitled to something which those who live 50 or 100 miles away do not enjoy. The subject is one of great difficulty and complexity, and I am willing that what was done should be submitted to fair criticism. What we did was this—we saw that precedent was in favour of giving a drawback to the manufacturers, and we saw equally clearly that precedent was against giving any drawback to the dealers. There are people who manufacture by a comparatively quick process, and the question was whether they should be ranged under the manufacturers who were to be allowed time to get rid of their goods, or under the wholesale dealers, who ought not to be allowed time. Acting under the best advice, and being informed of what my hon. Friend the Member for the City has stated, that the manufacturer, instead of occupying some 12 days may, by centripetal action, accomplish the process of manufacturing a certain kind of sugar in 24 hours, we thought their position very little different from that of the dealers, and placed them in the same category with the dealers, and did not extend the time allowed. That was our position. It has been represented to me from many quarters, and Government have considered that there may be hardship where the manufacturer took longer time for the particular process, and the case was well worthy of consideration. It may be that it would have been better in the first instance had we yielded more, at any rate, to the claims of these gentlemen. But that was the position we took up, and after hearing all parties, after reading many memorials, we determined to make a concession to them. In answer to my hon. Friend the Member for the City, I announced some time ago that we would make the concession. Therefore, as regards the Motion of my hon. Friend, the matter stands thus. I will read my hon. Friend's Motion. He proposes—

> "That provision should be made in the Bill for the Drawback of the amount of the Duty reduced."

As to that, my hon. Friend says I estimated the deduction at too large a sum; it ought to be smaller. I rather think that he is right, from the inquiry I have made. I will not quarrel with him about that. He says instead of 3*s*. it ought to be 1*s*. 6*d*. I am quite open to conviction on that point. I think 3*s*. too much, and it may be 1*s*. 6*d*. is sufficient. I think he need not press me further upon that, always maintaining the principle, for I believe it has never been usual to allow the whole drawback. Then his first proposal is—

> "On such Duty-paid Sugar as remained in any bonded warehouse on the close of Tuesday, the 12th April, 1870."

That was certainly within the principle of 1845. I do not approve that principle; but I am quite willing to be guided by precedent in this matter. I now come to the third proposal of my hon. Friend—leaving out for the moment the second—

> "On the Stocks of Sugar under process of manufacture on the premises of Refiners on the close of Tuesday, the 12th April, 1870, which can be identified to the satisfaction of the officers of Her Majesty's Customs."

That concession I have already made to my hon. Friend in answer to his Question in the House before. Therefore the whole difference between us now lies in the second proposal—

> "On the Stocks of Manufactured Sugar, other than Refined Sugar, or Sugar equal in quality thereto (entitled to the Drawback of 12*s*. the cwt.), being in quantity not less than 100 cwt., and in packages unbroken, in the hands of Refiners and Dealers, on the close of Tuesday, the 12th April, 1870, in places where there are Customs Authorities."

The whole difference between my hon. Friend and me lies in two words—"and dealers." As far as "refiners" go I have already made the concession, and the question is, what should be done with the case of the "dealers?" The proposition of my hon. Friend is simply this —he recognizes no difference between refiners and dealers wholesale and retail. We are to treat them all precisely alike. Now, that is a principle of a most formidable description. It is an entire innovation in the method of dealing with this subject, and it will be fraught in future with results which, I believe, will be most disastrous to the public interest. I would most willingly, if I could, meet my hon. Friend half-way. I should be perfectly well pleased to do so, considering the quarter from which the proposition comes; but there are some things that a person with any sense of duty to the public will not consent to do, and for my part I would rather bear the censure of my hon. Friend than consent to lay down for my own guidance—if I should have the honour to hold my present Office for another year—and the guidance of those who come after me, so dangerous a principle as that, in the repeal of Customs' duties, the dealer is to be treated precisely on the same footing with the manufacturer. There is no precedent for that. It would entail enormous expense and confusion. No Customs' Department that ever existed, or which you might improvise for the moment, could possibly exercise that check over stocks in the hands of dealers which would be necessary in justice to the public. It must necessarily tend to enormous losses and frauds, and I cannot think that the House will lay down a principle so destructive of the public interests. The matter really at issue between us is not an amount of money, although I do not, of course, know what the amount may be, but it is the principle I look to; and while the Government cannot consent to allow thus broadly, as it is here put by my hon. Friend, that the dealer should be placed on the same footing as the refiner, they are willing to consider with him, and with those who hold similar opinions, any means by which some compensation might be made, or something done to meet what certainly does in these cases operate more or less as a hardship. I have shown that the dealers have no claim. What relief they have had has been accidental and ancillary to that extended to other people; but, nevertheless, there may be, and there is probably, some hardship in the case, and so long as we keep up the clear distinction between dealers and refiners, I should be glad to do what we can to meet the suggestions of my hon. Friend. I sincerely hope whatever is done, and however anxious the House may be to give relief, it will not inflict so fatal a blow on the interests of the public as to go in defiance of all precedent in the taking off of any tax for the last 30 years, and insist on relieving every dealer in any commodity throughout the country—for there is no difference between the dealer in sugar and any other article—of the amount of taxation to which that commodity may be liable.

MR. T. BARING said, he had not changed the opinion he formerly expressed with reference to the Government sale of Consols; with all deference to the great capacity of the right hon. Gentleman the Chancellor of the Exchequer, he thought that financial operation neither creditable to the Government nor advantageous to the country. The right hon. Gentleman had gone the length of saying that those who advocated justice to holders of sugar wanted him, three or four months before bringing in his Budget, to make known what his proposal was. But they asked nothing of the kind. What he (Mr. T. Baring) believed they did ask was, in conformity with the interests of the country, that if any sudden or great change was to be introduced, those who dealt in the commodities affected should have their position fairly considered, and justice, if possible, accorded to them. The right hon. Gentleman said he was willing to take into consideration any suggestions which might be made to him; and it was to be hoped that, whenever the forms of the House allowed, there would be some more distinct announcement on the part of the Government. The right hon. Gentleman allowed the principle of a drawback with regard to loaf sugar; but it was only right that every possible pains should be taken to do justice to all classes, whether dealers or refiners. The right hon. Gentleman drew this distinction—that, if there was a class connected with the trade who were manufacturers and not importers, justice was to be done to the manufacturers and refused to the importers. That was a principle which would not hold good. To whatever extent justice could be afforded, it ought to be done; and when the Chancellor of the Exchequer introduced any great change in any trade, pains should be taken to make the change as little injurious as possible. The right hon. Gentleman said that the dealer in sugar might so regulate his trade as to be a small holder, or no holder at all; but what would be the effect if the traders of this country did not feel a confidence that any Government would take into consideration the question of justice to those classes affected by any great change. The result would be that the entire trade of the country would be paralyzed. No doubt, the right hon. Gentleman wished to do only that which was just and proper; but the right course would be for him to say that he drew no distinction between this and that class, but that his great object was to grant justice to all likely to be injured by the proposed change.

MR. STEPHEN CAVE said, that when the Chancellor of the Exchequer brought forward the Budget he expressed general approval of it, though he mentioned that injustice was done by not including the manufacturers of semi-refined sugar in the allowance of time granted to the manufacturers of refined sugar. He concurred generally in what the Chancellor of the Exchequer had now stated; but he was not able to follow the right hon. Gentleman to the full extent he went. If the right hon. Gentleman meant that the trader must, as he once said of the money market, take care of himself, and that if, when duties were raised, a trader chose to speculate in paying duties, and when duties were lowered reduced his stock to the lowest amount, the Government had nothing to do with that matter, there was much to be said upon that view of the question. He also thought that, in the case of time being allowed, the trade were often under a mistake in supposing that the allowance of time was an advantage to them. He was now speaking of tea and articles of that sort, not being the subject of manufacture; and he did not see that with respect to them either a drawback or time could be given. There would be great risk of the commission of frauds, and, in his opinion, the trade would be as much paralyzed by the allowance of time as by the expectation of a change of duty. When time was given, in such a case strong holders held and weak holders gave way, and the result was either that trade was paralyzed or prices fell just as if no time had been allowed. But it was, as had been said, a very different thing with regard to a manufactured article. There was obviously great difference between merely refraining to take goods out of bond, and suspending a manufactory, throwing people out of work, and incurring the expense which the suspension of a manufactory necessarily entailed. Nevertheless, the majority of refiners did, as the hon. Member for London (Mr. Crawford) had stated, very much curtail their operations, and if the Chancellor of the Exchequer had refused all concession he could have understood it; but he could not understand on what principle a drawback was allowed to a refiner on the manufactured goods he held for the trade, and refused to the dealers in those places where the custom was that they should, as it were, act as warehousers for the refiners, and hold the stocks which refiners held elsewhere. It was quite right not to allow a drawback to mere dealers; but it was quite a different thing to allow a drawback to a a manufacturer and dealer combined. According to the custom of Bristol the dealer and refiner did together what, according to the custom of London, the refiner did alone. Now, if a drawback were allowed to the refiner in the latter case, by the same reason it ought to be allowed in the former case to the refiner and dealer, who were two persons carrying on two operations, which elsewhere were carried on by one. He did not agree with the Chancellor of the Exchequer's proposal to make a deduction from the drawback corresponding to the expense of exporting sugar. He thought there was no reason in this, and it recalled to his mind the faulty system which formerly led to the exportation to Jersey. The only intelligible principle, was either to let the trade take care of itself, or, in order to mitigate as much as possible the effects of change, to place those affected on the same footing with regard to each other as they would be in had all cleared off their stocks entirely; for it was no answer to a man who complained of loss on account of his large stocks, to say that he shared in the general benefit of the remission of duty. The Chancellor of the Exchequer did not distinctly state what he intended to do on this point; but if the right hon. Gentleman meant that when a dealer and refiner was carrying on the two operations together, a drawback would be allowed—though certainly not to retail dealers throughout the country, that would be the proper course to pursue. Though he admitted that the doctrines laid down by the Chancellor of the Exchequer were generally correct, yet he thought that the peculiarity of the refiner and dealer being one person in one place, and two persons in another, did require in justice that the same rule should be applied in both cases.

MR. MACFIE said, it had been admitted on all hands that Her Majesty's Government intended to do justice. From his own experience of the sugar trade, having been connected with it for 40 years, he knew that this was a difficult question. The sugar duty was a subject of great intricacy; and he did not wonder that the Chancellor of the Exchequer, as well as those to whom he had resorted for information, had found himself bewildered. He (Mr. Macfie), however, thought that justice could be done in the matter with ease and safety. In 1830 and 1831 there was a large reduction in the duty, and a drawback was allowed on the refined sugar held as well by grocers as refiners, who, moreover, had seven weeks given them to work off their stocks. Since that time sugar had become a great article of manufacture. In Liverpool the wholesale grocers were refiners, and they fell under the proposition of the Government; but in Bristol it was not so. There warehousemen came between the wholesale grocers and the refiners. Therefore, it was necessary to make an alteration in order to do justice. A great injustice would be done to his constituents if they were not allowed a drawback upon the quantity they had in store. It was not an alteration of principle that was required, but merely an extension of the principle already laid down.

MR. ASSHETON CROSS said, he hoped the case of those who manufactured in places where there was no Custom House would receive consideration from the Government. The mere fact of having a manufactory in a place where there was no Custom House was not a good reason for imposing on a man a heavy fine which was remitted in the case of others. If some machinery could be devised by which those manufacturers should be able to prove, to the satisfaction of the Government, what amount of stock they held upon a particular day, they were just as well entitled to relief as any other class of men in the country.

VISCOUNT BURY said, he wished to know whether the Chancellor of the Exchequer was rightly understood to say that he was going to deal out to individuals, who might consider themselves aggrieved by his propositions, relief out of the surplus which was forced upon him; and whether he alluded to a reduction of the passenger duty, or still had that object in view?

THE CHANCELLOR OF THE EXCHEQUER: I did not say that.

MR. PEEK said, he hoped the right hon. Gentleman would take into consideration the case of those who, being dealers, as a matter of convenience, after purchase, frequently allowed goods to remain where they were. There could be no doubt that if a drawback were allowed on a parcel of sugar because it belonged to a manufacturer, another parcel lying under the same roof ought not to meet with different treatment because it belonged to a dealer. He represented a trade which unfortunately was unhinged every spring for weeks on account of the Budget. He differed from the right hon. Member for Shoreham (Mr. Stephen Cave) as to the inexpediency of giving time when a great change was to be made with regard to any particular trade. He thought that in every case where the duty had to be reduced it would be sound policy to give time, and then large and small dealers would know what they had to expect and when to expect it.

MR. ORR EWING said, that 20 years ago nine-tenths of the sugar consumed in this country was raw sugar; but now the case was reversed, and nine-tenths of it was refined. Previously to this great change the sugar held in this country was held in bond; but now persons who held great quantities were dealers, to whom the Government refused to do justice. He did not ask that the small dealers should have any drawback; what he did ask was, that the great dealers, who could not defraud the Government — because in Scotland, at least, the whole of that sugar was in the hands of the refiners — should have it. It would be quite easy, therefore, to get a correct note of the quantity. He knew one gentleman in Glasgow who held no less than 700 tons of sugar in the hands of the refiner, and the House might fancy the enormous loss he would sustain if the right hon. Gentleman did not give way.

MR. GLADSTONE: Sir, although we have now arrived at an hour when the House naturally desires that a discussion should be brought to a conclusion, the principles involved in this question are of such great importance, and the doctrines propounded by some hon. Members are so subversive of the financial system of this country and so inconsistent with justice, that I hope the House will listen to me for a few moments. In the first place, I will refer to what has fallen from the hon. Member for South-west Lancashire (Mr. Cross), because, although criticism on details is not really a matter in which I must indulge, yet I must point out that the regulations somewhat arbitrarily laid down by the hon. Member for the City of London (Mr. Crawford), are of very great importance. Under the Motion proposed by my hon. Friend, the case would be this—in every place where there is a Customs' authority every retail dealer in sugar who has the prescribed quantity would be entitled to obtain a drawback upon it; but where there is no Customs' authority he would not be able to obtain it. But what relation is there between the Custom House in Thames Street and the retail dealer in Islington? No relation whatever. My hon. Friend therefore proposes that we should commit a palpable injustice, by saying to the retail dealer in Islington—"If you have got 100 cwt. of sugar in unbroken packages you shall get the drawback upon it;" but if we go to York or any of the great inland towns where there are no Customs' authorities there the drawback shall be refused. I heard the speech of the right hon. Gentleman the Member for Shoreham (Mr. Stephen Cave) with pleasure, because he evidently saw the difficulty of the case, and it is possible to deal with him; but it is quite impossible to satisfy those whom I may call the generous Members of the House. The hon. Member for Huntingdon (Mr. T. Baring) says that in matters of this kind there ought to be no distinction between class and class; and this magnanimous sentiment found its way to the heart of the House, and was loudly cheered by hon. Members who felt themselves lifted above the vulgarity of pounds, shillings, and pence—considerations which the Government, as stewards of the public money, are bound to consider. But with this generous class of Members, I am obliged to join issue and to say that it is incumbent upon the Government to draw a distinction between class and class. The hon. Member said

—"How hard to do no justice to the importer;" but no one had asked that it should be done, and he can do justice to himself, for the bonding system enables him to avoid paying the duty upon any commodity before it has passed into the hands of some one else. I must, therefore, draw a distinction between class and class, however much the hon. Member may protest. The hon. Member says that there ought to be no distinction between the manufacturer and the dealer. If you draw no distinction between the manufacturer and the dealer, of course you ought to draw no distinction between the dealer who has a single hundredweight and the dealer who has a hundred hundredweight. To that, also, I object, for if you draw no distinction you will have the shopkeeper coming with a pound of sugar in his hand and asking for drawback upon it. It is the distinction between class and class upon which turns the whole justice and prudence of Parliament dealing with these cases. Now, let us see what are the demands that have been made, and what it is that the Government are willing to concede. We are willing to concede, first, all that appears to be just; and, secondly, all that appears to be in any manner supported by precedent; and I do not think the House will be disposed to force us beyond those limits. With respect to precedent, let me first say that the reference to the Excise can do nothing but darken the case. In the case of the Excise the collectors ascertain the stocks on hand all over the country previous to any fiscal change. When you raise a duty of Excise, by means of your knowledge of the stocks in the country, you immediately raise the duty on those stocks, and it follows, as a matter of course, that when you reduce a duty you grant a corresponding drawback. There is no doubt at all about that; but what has that to do with the Customs' duties? When you raise a Customs' duty you do not go into the warehouses of the wholesale dealers and compel them to pay the increase. My hon. Friend the Member for the City must be in error in the case he cited. My hon. Friend quoted the case of a certain trader, who had told him of an increase of duty; but as it avowedly referred to a remote period, his memory must have been at fault. I aver, on the authority of the Revenue Department, that there is no such thing as charging an increased duty upon a commodity in the bonded warehouse which has paid duty. When a Customs' duty is raised, you never impose the increase upon the stocks in the hands of the dealers; and yet we have heard from those most generous of all generous men—the hon. Members for Bristol (Mr. Morley) and St. Ives (Mr. Magniac) this most formidable doctrine, not with regard to sugar alone, much less with regard to manufactured sugar, but with regard to all articles subject to duty, that when you reduce a duty you ought to go all through the country and ascertain what unsold stocks there are in the hands of the dealers, and immediately grant them a drawback by way of compensation. If the House chooses to say that shall be done, very well; but let it adopt that course with its eyes open, and let those who advocate it undertake the responsibility of applying it to the finances of the country: it is impossible for us, however we may respect its propounders, to give any countenance whatever to the principle, and that is precisely our objection to the Motion of the hon. Member as it stands. The Motion divides itself into three branches; we accept the first and third, and the second, so far as it relates to refiners. I have only one limitation to make, and it is this—My hon. Friend (Mr. Crawford) contends that the whole amount of duty ought to be given in the drawback; but that is not according to precedent. There must be some limit. That, however, is a mere question of money, and upon that point we are not likely to quarrel with my hon. Friend; our resistance is offered to the requirement that we should treat dealers as if they were manufacturers. If the hon. Member will recede from that demand; if he will consent to let us examine the case of dealers separately, and consider what cases there are in which a distinction ought to be drawn in favour of dealers, and in which they ought to be put into the category of manufacturers, we are willing to do that. The hon. Member for Dumbarton (Mr. Orr Ewing) mentioned the case of a dealer who has a considerable stock not yet removed from the refiner's, but which has become the dealer's property; we shall not quarrel about such a case. I am satisfied such cases can be met; but, if the Motion be pressed for putting the dealer upon the same footing as the manufacturer, it would be inconsistent with our duty to accept it, because we must consider how far the obliteration of the distinction would lead us. It would lead us the whole length of the principle laid down by the hon. Member for Bristol (Mr. Morley), who says you cannot possibly draw a distinction between the dealers in manufactured articles and the dealer in any other Customs' dutiable articles. If the dealer in manufactured sugar has a claim, the hon. Member's assumption is that the wholesale dealer in tea has precisely the same claim, and that the wholesale dealer in wine, or any commodity, also has the same. Supposing the wine duties to be reduced, which is not very likely, I should think, does the hon. Member (Mr. Crawford) suppose that those who are possessed of stocks of wines will get drawback? No, not one farthing. The supposed precedent which he quoted was a precedent good occasionally, founded upon a special arrangement made beforehand and at the instance of the Government. I meet his reference to wine by saying boldly that if we were to reduce the duties on wine, not one farthing would be repaid under any arrangement now in force. This principle of recognizing the right of dealers to drawback without limitation, and upon the same footing as if they were manufacturers, is a principle we cannot agree to; but the particular cases in which it ought to be recognized, or in which there is a claim on the part of dealers to be liberally treated, because no time has been granted to them, we are ready to examine. A sweeping Resolution of this kind, however, which would carry with it logical consequences, we are bound strenuously to resist, and if the Motion be pressed we shall be obliged, at some inconvenience to Public Business, to allow the principal words in the Question to be displaced, in order to propose an Amendment. After what I have said, expressive of our willingness to go as far as justice or precedent will carry us, I trust that the hon. Member will display a genial disposition, and will not attempt to snatch what I must say would be a petty triumph.

Mr. BOUVERIE: Sir, as I am now, with the exception of the Secretary of State for War, the only Member at present in the House who took part in the discussion at the time when the precedent of allowing this drawback was forced upon the Government, I may be permitted to say that I have always felt it to be the duty of those who administer the Revenue in the House of Commons to make their changes in the Revenue so that they shall entail as little loss as possible upon the public. The merchants, manufacturers, and traders are, in reality, the agents of the Government in collecting the duty from the consumers, by whom this duty is ultimately paid, and, in the ordinary course of trade, the hands of the merchant and refiner become, for the purposes of duty, the hands of the Government. If Government and the Parliament step in and lower the duties at a particular juncture, the loss falls upon those who are engaged in collecting the duty. You cannot, of course, follow that line of argument beyond a certain point; it is impossible to trace in that way the collection of the Revenue down to the minutest trader, and it becomes, therefore, a matter of degree. Having been one of those who were disposed to look with favour on the general principle of the Motion of the hon. Member for the City of London (Mr. Crawford), I do think, after listening very carefully to the debate, that the Chancellor of the Exchequer and the right hon. Gentleman at the head of the Government have made as great concessions as could fairly be expected at their hands. I think, therefore, that if my hon. Friend the Member for the City of London will accept the proposal which has been made to him on the part of the Chancellor of the Exchequer, that he should suggest any particular cases of hardship with respect to dealers which could be met with fairness and without entailing a sacrifice on the part of the public, my hon. Friend will have discharged his duty to his constituents, and to those whose interests he represents, and will, at the same time, be acting in a matter gratifying to the great body of Members on this side of the House who look with favour upon his Motion.

Mr. CRAWFORD said, he understood the Government to agree to two out of the three Resolutions which he had proposed, and also to the third Resolution, excepting so much of it as referred to "dealers." If the Government were willing to meet him thus far —to allow the drawback, in the first place, on the stocks of dealers in the hands of the refiners; and, secondly, upon the stocks of those large dealers in Bristol, and other parts, which came to them direct from the refiners, and had not passed into general trade, then, subject to the opinions of those hon. Members who were more immediately connected with the trade, he should be prepared to assent to the Government proposals.

MR. SPEAKER: Does the hon. Member withdraw his Motion?

MR. CRAWFORD: That depends, Sir, on the answer which the Government may give.

MR. CARDWELL: It is very important that there should be no misunderstanding as to the words which we use. My right hon. Friend the Chancellor of the Exchequer has intimated his willingness to go further than this clause would do, if the word "dealers" were left out, and to take an intermediate course, applying the same principle which has been conceded to all cases of dealers that really fall within the equity of the refiner and manufacturer. With that view my right hon. Friend will not, without the consent of my hon. Friend (Mr. Crawford) behind me, desire to close the Committee to-night, in order that there may be an opportunity of considering the precise terms which it is desirable to use.

Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 5, inclusive, *agreed to.*

Clause 6 (Farmers may steep and germinate grain to be consumed by animals).

COLONEL BRISE said, that the terms of the Bill imposed needless restriction upon a farmer wishing to sprout his barley, binding him down to notices and conditions with which, from the circumstances of the holding, it was often difficult, if not almost impossible, to comply. He trusted that the time would soon arrive when every farmer might use his malt kilns freely and without restriction. The fact was, that all the Chancellor of the Exchequer now did was to legalize that which had long been done on the sly; for, unless malt was used immediately, it was not only not nutritious, but even positively unwholesome. The hon. Gentleman concluded by moving the omission of these restrictions from the clause.

Amendment proposed, in page 3, line 11, to leave out from the word "animals" to the end of the Clause.—(*Colonel Brise.*)

MR. J. G. TALBOT said, he had placed a similar, but less comprehensive, Amendment on the Paper, and he trusted that the right hon. Gentleman would, at least, concede the smaller boon if he would not accept the Amendment now proposed. Unless this were done, the farmers of Kent and Sussex would be debarred of the privilege which the Chancellor of the Exchequer proposed to give them; and, as the right hon. Gentleman had, in his speech on introducing the Budget, acknowledged that this was a grievance, it would be well if the right hon. Gentleman would make the concession in a gracious and generous manner, and unaccompanied by these restrictions. This concession would be the more acceptable, as the privilege of using what was popularly known as "Gladstone's mixture" had proved of little or no service to farmers.

MR. C. S. READ observed that unless these restrictions were removed this so-called boon would be almost intolerable to the farmer, who, if he steeped any grain without giving due notice to the Excise, would be liable to the trifling penalty of £100 for his remissness. He contended that there ought to be no difficulty in conferring the boon unfettered by restrictions, which would seriously interfere with the advantages which would otherwise accrue to agriculture, and deprive farmers of some they now possessed.

MR. WELBY said, the clause would work unequally in his part of the country (Lincolnshire), and he thought the Chancellor of the Exchequer might grant some further concession without any serious risk to the Revenue.

MR. STANSFELD said, the remarks of the hon. Member for South Norfolk (Mr. C. S. Read) were founded on a misapprehension. The hon. Member seemed to think the effect of the 1st sub-section of the clause would be that on every steeping of grain on a farm, however small the quantity steeped, and however often the steeping occurred, the farmer would have to give notice of it to the Excise. He himself interpreted the clause in no such way. Reading it in connection with the context, and with its whole object, he took it to mean that with reference to the steeping and germinating of grain as allowed by that clause, grain should be steeped and germinated in a given place; and that, before the place was appropriated to that purpose, it should be indicated to the Excise. There was no doubt that, as the clause was worded, it would not work with perfect equality, and that there might, in certain cases, be some trouble and some hardship attending it; but the real practical question was this—They started with the fact that they were determined to maintain the malt tax, and they were asked to concede a certain privilege to the farmer, as far as the concession could be made consistently with the safety of the Revenue. Well, those restrictions and regulations were framed with that view; and in the opinion of the Commissioners of Inland Revenue, who were responsible for their working, it would be impossible to dispense with those restrictions in the manner now suggested. The main regulation or restriction referred to the building or place where the grain was to be steeped and germinated; and the clause provided that—

> "Every such building or place shall be situate on the farm upon which the grain is to be consumed, and at a distance of a quarter of a mile at least from any malt-house or from any kiln upon which malt or grain could be dried; or, if not so situated, shall be otherwise situate to the satisfaction of the Commissioners of Inland Revenue.

If, therefore, the place were on the farm and at a distance of a quarter of a mile from any kiln, no special licence would be required from the Excise; but many cases might occur in which, where the place was not on the farm, or, being on the farm, was at a less distance than a quarter of a mile from a malt-house or kiln, it would be impossible to make the concession contained in the clause without those safeguards. Yet, it was within the discretion of the Commissioners, if it could be done with safety to the Revenue, to allow a place to be used for the steeping and germinating of grain, even although it might not come strictly within those conditions. The Committee might, therefore, feel that those restrictions were not merely arbitrary, that they were necessary for the protection of the malt tax, and that, after all, they would not impose so much hardship or inconvenience as appeared to have been supposed.

Mr. G. B. GREGORY said, he thought the hon. Member for South Norfolk (Mr. C. S. Read) was quite justified in his remarks. By the terms of the clause, before steeping any grain, the farmer was required to give notice to the Excise of the places where he meant to steep it. [Mr. Stansfeld: He need not repeat that notice—he had to give it once only.] As the words stood, they seemed to bear the construction which the hon. Member for South Norfolk put upon them; and it was not expedient to allow any doubt or ambiguity to attach to them.

Mr. C. S. READ said, the Secretary to the Treasury had misapprehended his observations. The clause declared that it should be lawful for the farmer to steep grain; but it required him, before doing so, to deliver a notice to the officer of Excise. Nothing should ever induce him to germinate grain under those restrictions; but he wanted to know whether he was to be allowed to steep grain as he had been accustomed to do, like most other farmers, without being bound to give such a notice or making himself liable to a penalty of £100.

The CHANCELLOR of the EXCHEQUER said, the intention of the Government was that notice should be given once for all of the place to be used for steeping purposes, and he thought it would do if they struck out the words "before steeping any grain."

Colonel BARTTELOT said, he hoped the boon proposed to be given to the farmers would not be so hampered that they would be unable to make any use of it. The Government ought not to proceed on the assumption that the farmers were such downright rogues that they would endeavour in every possible way to defraud the Revenue.

The CHANCELLOR of the EXCHEQUER said, he was sorry that he could not accede to the request made to him. He disclaimed any particular distrust of the farmers of England; but all our Revenue law was drawn in a spirit of the most profound distrust of mankind generally. The restriction imposed by this clause was almost the sole one of any importance, and it amounted only to what was necessary to inform the Excise. The policy of the matter was quite clear, and they could not dispense with an essential safeguard of the Revenue in the case of hop-growing or other countries.

Question put, "That the words 'under the following conditions' stand part of the Clause."

The Committee *divided:*—Ayes 47; Noes 31: Majority 16.

MR. STANSFELD said, he had to move, in line 13, to leave out "before steeping any grain," with the view of meeting the objections of hon. Members opposite.

Amendment *agreed to.*

MR. C. S. READ said, that it was monstrous that a farmer should be precluded from steeping grain, unless it were in a place of which notice had been given to the Excise, and he wished to take the sense of the Committee upon the expediency of omitting the words "steeped or" in sub-Section 4.

MR. STANSFELD said, he could not consent to the proposal of the hon. Member, which would permit a process dangerously like the making of malt to be gone through. He could not see the object to be attained in crushing or grinding the corn after it was steeped.

THE CHANCELLOR OF THE EXCHEQUER said, he would consult with the officers connected with the Inland Revenue, and, if possible, would suggest something on the Report to meet the views expressed by hon. Members. If he failed to comply with their request it would still be competent for them to raise the question on the Report.

Clause *agreed to.*

Clauses 7 to 10, inclusive, *agreed to.*

Clauses 11 to 16 (*Duty on Railway Traffic Receipts*).

Clause 11.

MR. SCLATER-BOOTH said, he thought some explanation was due from the Chancellor of the Exchequer as to the cause of his now proposing to omit the provisions relating to taxes on railway traffic.

THE CHANCELLOR OF THE EXCHEQUER said, that a deputation, representing £29,000,000 of the £39,000,000 of income of railways in the United Kingdom, had informed him they would much prefer being without the boon he had proposed to confer on them; and as he, representing the taxpayer, had no objection to keep the proceeds of the present tax, he thought it better to let matters stand as they were. He was surprised when the deputation explained their case to him; but, as the matter was somewhat complicated, he would not go into it fully unless the Committee particularly wished it.

VISCOUNT BURY said, he would not attempt to divide the Committee; but he must protest against the summary dismissal of six clauses from the Bill, with scarcely a word of explanation from the Chancellor of the Exchequer. He was a member of a deputation which had laid before him very weighty reasons for adhering to his original proposal. The right hon. Gentleman had, with a frankness and geniality which distinguished him, confessed that he knew nothing whatever of the matter.

THE CHANCELLOR OF THE EXCHEQUER said, he had made no such confession.

VISCOUNT BURY said, he did not insist upon that point; but the right hon. Gentleman must either have known all about the matter before he decided, and have come to an erroneous conclusion, or else he must have decided in ignorance of the facts. The tax on railway traffic was imposed in lieu of the revenue formerly obtained from post-horses, and now that the tax on the few remaining post-horses was abolished the tax on railway traffic should also be done away with.

MR. SCLATER-BOOTH said, he must take exception to the Chancellor of the Exchequer having used the word "boon." His proposal could not have been a boon to the railway proprietors, and he must have known it.

THE CHANCELLOR OF THE EXCHEQUER: No, I did not.

MR. SCLATER-BOOTH said, in that case the Cabinet must have come to a decision without being cognizant of the facts. When the right hon. Gentleman said the railway companies did not wish to have this "boon" he used an improper word.

THE CHANCELLOR OF THE EXCHEQUER said, he was quite willing to explain the matter. The Government proposed 1 per cent on the general traffic of the railways instead of, as at present, a tax upon passengers carried in trains other than those certified by the Board of Trade. The remission caused by that change would have amounted to £100,000, and the proposal was made on the presumption that the railways would be considerable gainers by the change. That was the opinion of the Railway department of the Board of Trade. But it appeared that many of the lines were not friendly to the proposal for this reason—The Legislature had fixed a maximum for fares, and had charged 5 per cent upon passengers in uncertified trains, so that one would suppose the taking away of that 5 per cent would have benefited the railways; but in a great many, and these the largest railways, that was not the case, because two years after the Legislature had fixed the maximum the companies came to Parliament and obtained private Acts to allow them to charge the 5 per cent in addition to the maximum fixed by the general Act, so that the tax was actually shifted by the companies on to the shoulders of the public long ago. The intention of the Legislature had been defeated, and the tax was borne by the general public. The railways, therefore, so far from being benefited by the proposed change would be losers to the extent of 1 per cent. He had thought it useless now to persevere with the clauses, for the good he had meant to do for the railway companies they had done for themselves already. The circumstance showed how defective the whole system of Private Bill legislation was.

VISCOUNT BURY said, the right hon. Gentleman had lumped together two interests which were perfectly distinct. It was no doubt true that some railways disapproved the original proposal; but, on the other hand, others, and especially those in the South of England, were strongly in favour of it.

MR. GRAVES said, he wished to state the reason which lay at the bottom of the objection on the part of the railway interest to accept the right hon. Gentleman's proposal. They objected, in the first place, to a tax being imposed on the raw material—on the mineral traffic of the country; and, in the second place, they did not wish to be subjected to a new tax which, however fair it might seem at present, might be extended on some future occasion as an easy means of raising Revenue. He happened to know that these motives influenced the action of the London and North-Western Company. The railway companies declined to accept what was supposed to be a boon, and preferred to wait till next year, when they hoped the Chancellor of the Exchequer would be able to do them justice.

MR. GILPIN said, the Chancellor of the Exchequer had displayed a very extensive knowledge of this subject to the deputations which had waited upon him. He regretted, however, that the right hon. Gentleman had not given to the Committee a sufficient explanation of the very inconsistent course which the Government had now determined to adopt. As a rule, taxation on locomotion was a very undesirable thing, and because certain large railways objected to a particular relaxation of such taxation it did not follow that the railway interest was opposed to all reduction. The proposal for the reduction of the duty might have been put into such a shape as to exclude the disadvantageous element of increasing the tax on the produce of the country and lessening it upon passengers. The right hon. Gentleman need not have said to the railway companies, as he practically did—"You will not take what I give you, and therefore you shall not have anything at all."

MR. W. FOWLER said, he was very glad this quarrel had occurred between the northern and southern railways, believing that it would result in the full consideration of the subject another year. In his opinion this was an unjust and unrighteous tax altogether, and he hoped that next year the Chancellor of the Exchequer would be able to remit it *in toto.*

Clause *negatived.*

Clauses 12 to 16, inclusive, *negatived.*

Clauses 17 and 18 *agreed to.*

Clause 19 (Grant of duties of income tax specified in schedule).

MR. NEWDEGATE said, it seemed to him that the Chancellor of the Exchequer and the Government were proceeding in a manner by which the local administration of income tax was gradually being withdrawn and absorbed. Under these clauses the companies' assessment in regard to the administration of the income tax would be withdrawn from the local Commissioners.

THE CHANCELLOR OF THE EXCHEQUER said, he would remark that that would not be the effect of the clause now under consideration.

Mr. NEWDEGATE said, he was obliged to deal with several clauses together under the peculiar form of the Bill. In older times, what was called systematic tacking or clubbing into one Bill several provisions relating to almost every one of the principal sources of Revenue, was not submitted to by the House of Commons; they would not allow the Revenue to be dealt with in that way. But the present Bill dealt with the Customs, with Excise, with Stamps, and with the income tax; and he was, therefore, bound to speak of the provisions relating to property and income tax as a whole. By these clauses the administration of property and income tax was gradually being withdrawn from the local Commissioners and placed under the special Commissioners, or central authority. It had been held that in all matters of direct taxation the people of the country ought locally to tax themselves. One reason was that there would be no appeal. At present the appeal was from the local Commissioners to the central authority; but if the business was transferred at once to the special Commissioners, the appeal would be lost.

The CHAIRMAN, interposing, pointed out that the hon. Gentleman's remarks were specifically directed to Clause 21.

Mr. NEWDEGATE said, the fault rested, as he had said before, with the form of the Bill; but he would postpone his observations until they reached the 21st clause.

Clause *agreed to.*

Clause 20 *agreed to.*

Clause 21 (Special commissioners to assess public companies).

The CHANCELLOR of the EXCHEQUER said, that several hon. Members had represented to him that they had not had sufficient time to consider this and the following clause. He therefore proposed to withdraw them for the present, and bring them up again on the Report.

Mr. NEWDEGATE thanked the right hon. Gentleman for removing for the time the difficulty which he (Mr. Newdegate) felt, and he could only hope that these objectionable clauses would be not only temporarily but entirely withdrawn.

Mr. M'LAGAN said, he wished to express his obligations to the Chancellor of the Exchequer for withdrawing the clauses for the present. It was only within the last few days that many persons in Scotland, who were most interested in the question, had had their attention called to it.

Mr. CRAWFORD said, he had been requested by gentlemen connected with various companies in the City to state their objections to these clauses; but would reserve any statement on the subject until they were re-introduced in another form.

Mr. Alderman LUSK said, he hoped that the Chancellor of the Exchequer would be induced to withdraw these clauses altogether. It would be well to do so, to prevent a recurrence of the catastrophe which had occurred that evening.

Sir EDWARD COLEBROOKE said, he thought that the existing arrangements had worked very smoothly, and that there was no occasion to disturb them.

Mr. GRAVES said, that many representations had been made to him against these clauses, not only from the public, but the collectors themselves. The change would cause a loss of income to the collectors for work already done. This was really the remunerating part of the work, and the clauses would decrease the income of the Liverpool collectors by £100 a year, or about a third. If the clauses were brought up on the Report, the date should be altered to the 1st of April next year. It was worthy of consideration whether the whole subject of the compensation and superannuation of the collectors should not be dealt with in connection with these clauses next year.

Mr. ANDERSON said, he hoped that the Chancellor of the Exchequer would not bring up these clauses again on the Report. If he would say so now, it would save hon. Members a great deal of trouble.

Clauses 21 and 22 *withdrawn.*

Clause 23 (Persons returning lists of others in their employ to state amount of salary, &c.).

Mr. HERMON said, he regarded this clause as very unjust. Employers could be called upon at present to give lists of the names of persons employed in their service; but this clause, for the first time, proposed to compel them also to return a list of their salaries. The Chancellor of the Exchequer could not conceive the inconvenience which would be occasioned by this clause to the employers of labour. For them to hand over to the collectors a list of the persons they employed, with the salaries they received, would almost amount to sending it to *The Times* newspaper. The salary of every person in the establishment would be as well known as if it had been mentioned to each person by his employer, and the greatest heartburning would be caused. It would be found that one person was receiving a few pounds more than another, and great dissatisfaction would result. It would be more reasonable to compel the employers of labour to pay the income tax for their *employés*, and that was what the clause evidently aimed at. [The CHANCELLOR of the EXCHEQUER: No.] It was alike unfair to employer and employed, and he hoped the Committee would not consent to it. The clerks and others employed in establishments possessed as much good feeling and were likely to make as fair a return as the class of tradesmen. It was thought right that these persons should be intrusted with the elective franchise, and it was not fair to them to publish their incomes to the gaze of their fellow-*employés* when it might be the desire of their employers to keep it secret.

THE CHANCELLOR OF THE EXCHEQUER said, he did not regard the clause as a matter of the first consequence; but the arguments of the hon. Gentleman were not sufficiently cogent to induce him to give it up. It was necessary that the income tax should be levied on those in the receipt of £100 a year, and he did not suppose that the House wished those who were liable to it to escape. Was it, then, unreasonable to expect that employers should give a list of persons with their salaries, so as to save the Departments the trouble of making inquiries into the amount? Why should the expense of collecting the Revenue be increased to save employers from performing a duty so simple and so easy? This was not a case in which money was collected to be sent out of the country to some foreign potentate. It was, on the contrary, everybody's business to facilitate the action of the Government, and to make the collection of the Revenue simple and easy, so that the public Department concerned might be spared time which, as in other cases, was money. He hoped that the Committee would sanction the clause.

MR. ORR EWING said, he regarded the clause as unnecessary and unjust.

MR. ALDERMAN W. LAWRENCE said, he thought it undesirable to adopt this inquisitorial process in order to save the Department trouble. The clause, too, presumed that a man's income depended entirely upon what he received from an employer, when he might have other means of making up his income besides the salary he received, as in cases where a man was employed in one establishment while his wife or family kept a small shop elsewhere. The wisest course, he thought, would be to withdraw the clause altogether.

MR. CANDLISH said, he did not think the clause unreasonable. The desire was to get at the truth. But then the clause imposed upon employers such duties as they could not discharge. He would not be in a position to state the exact income of every man in his employ, as they sometimes worked in groups. He would therefore propose, as an Amendment, to insert in line 17 the words "so far as from the ordinary books of the employers such returns can be given."

MR. MORLEY said, he thought the most that could be required of employers was to give a return of the amounts received by those in their employ who had salaries above the amount on which income tax was paid. The ultimate object of the Government seemed to be to make employers collectors of income tax. The clause had created a great deal of strong feeling, and it could not be passed without great difficulty.

MR. MUNTZ said, he thought it would be utterly impossible, in large concerns, for masters to state what was the exact amount of their workmen's earnings. One man often made an agreement, whereby he got a number of men to work under him and paid them himself.

MR. ALDERMAN LUSK said, he hoped the Chancellor of the Exchequer would consider the clause. It was most disagreeable for employers to be turned into something like informers.

MR. MELLOR said, he would like to learn from the Chancellor of the Exchequer whether, in the case of a family earning upon the aggregate £100 a year from the same employer, they would be returned as only one person, or whether the head of the household, who earned perhaps only £25, would alone be returned?

THE CHANCELLOR OF THE EXCHEQUER said, that in deference to the feelings which had been expressed, he would not press the clause.

Clause *struck out.*

Clause 24 *agreed to.*

MR. G. B. GREGORY said, he rose to propose a clause with respect to the liability of horses or mules kept solely for the purposes of husbandry to duty.

THE CHANCELLOR OF THE EXCHEQUER said, he would suggest that the hon. Gentleman's object might be attained if he would be content with the assurance that in cases, for instance, where a farmer employed his horses in gravelling a road, and received no hire for doing so, the concession for which he asked should be made. That proposal could be carried into effect more advantageously through a regulation of the Board of Inland Revenue than by means of a clause in the Bill.

MR. G. B. GREGORY said, he was afraid the suggestion of the right hon. Gentleman would hardly meet the case. The Commissioners of Inland Revenue had always held the instance with which his clause dealt to come within the category of exemptions. His object was that where a surveyor of highways employed a farmer's horse for the purpose of carrying materials to the road, that horse should not thereby be liable to duty, whether the farmer received hire for the horse or constructive payment in being excused from liability to the rate. There was a practical grievance, which could be redressed without the loss of any revenue worth considering. He begged, therefore, to move the following clause:—

(Horses kept for husbandry.)

"Whereas doubts have arisen with respect to the liability of horses or mules kept solely for the purpose of husbandry to Duty, Be it Enacted, That from and after the passing of this Act no person shall be required to take out a licence under the Act of the thirty-second and thirty-third years of the reign of Her present Majesty, chapter fourteen, for any horse or mule kept by him solely for the purpose of husbandry, on account of such horse or mule being occasionally used or employed in drawing materials for the repair of roads and highways, and whether for hire or otherwise."

MR. DYCE NICOL, in seconding the Motion, said, that the Chancellor of the Exchequer's refusal to allow any exemption on horses so employed, was considered a great hardship in those parts of Scotland with which he was connected, particularly as turnpikes were there being entirely abolished or rapidly reduced, and the cost of the maintenance of the roads fell exclusively on the proprietors and tenant-farmers, while the public thus derived a great benefit. As the increase to the Revenue of the country by the altered mode of levying the tax proposed by the Chancellor of Exchequer must be quite trifling, he trusted that the right hon. Gentleman would make this concession, which he thought the Scottish agriculturists had a right to expect at his hands.

New Clause (Horses kept for husbandry,) — (*Mr. George Gregory,*) — *brought up,* and read the first time.

MR. WELBY said, that the repair of roads in these country parishes was an absolute necessity. Farmers would be glad to be relieved from the job, and ought not to be subjected to the tax for performing this necessary public duty.

THE CHANCELLOR OF THE EXCHEQUER said, he had already made this concession—that if horses kept for use in agriculture were gratuitously used for purposes not agricultural, they should be exempt from duty. He was also willing that the same exemption should apply where a farmer employed his horses in drawing materials for the roads, receiving no pay, but only such benefit as followed from a reduction of rate. Here, however, he must stop. Some principle must guide the Committee. If a farmer were paid for the use of his horse in carting materials for roads, how could his case be distinguished from that of the farmer who made money by the hire of his horse for other purposes? Was it fair that, when so many other persons were taxed for keeping horses, these exemptions should be continually extended? He did not wish to make any new law or to expand the old law; but when a man was paid for horse hire for any purposes he should pay duty.

MR. DISRAELI said, he wished to point out to the Chancellor of the Exchequer what would be the practical effect of not acceding to the clause. The roads could not be maintained without the use of horses; in country parishes the farmers must be asked to lend their horses, and they could not be expected to lend them without payment. If the farmers knew that they were to be subject to this tax, they would not lead their horses. Practically, therefore, the parish must pay, and the result would be that more would have to be paid for the hauling of the stones, and the rates would consequently be increased. This, therefore, was not a farmers' question; it was a ratepayers' question. No public inconvenience would result if the Bill provided that horses hired for parochial purposes, merely for the purpose of maintaining the roads, should be exempted from the tax.

MR. SPEAKER wished to say a word on this question on behalf of his country constituents. He would go a step further than the right hon. Gentleman who preceded him. Horses employed in agriculture were now exempted from the tax. But the maintenance of roads in a parish was really one of the main operations in agriculture: it was anterior to any other agricultural work. It was one of the first purposes in agriculture that there should be roads from one farm to another, and by which the produce could be conveyed to market; and, therefore, the making and maintaining the roads was strictly the employment of horses for agricultural purposes. It should be remembered, too, that the roads were kept up by the farmers and ratepayers for the benefit of the whole community. This seemed a small question; but it was really deranging parochial affairs in every parish, and creating uneasiness and dissatisfaction in every possessor of a team of horses in the kingdom. It was, therefore, well worthy of the consideration of the Chancellor of the Exchequer. He was not quite sure that he understood the view taken by the right hon. Gentleman, who said that if no money passed there would be no necessity for taking out a licence for horses. He would ask the right hon. Gentleman this question—Suppose the farmers of a parish agreed among themselves to lead all the materials necessary for the repair of the roads, did he understand the Chancellor of the Exchequer to say that in such a case it would not be necessary to take out a licence for their horses?

THE CHANCELLOR OF THE EXCHEQUER said, he quite agreed to that.

MR. SPEAKER: But in such case there must be some relief in the way of rates, if the carriage of the materials was done gratuitously the rates must be lightened to that extent. If it were understood that the farmers, upon agreeing among themselves to lead the materials for the roads, were to be exempt from duty, he thought some arrangement might be come to that would be more satisfactory than the present state of things.

THE CHANCELLOR OF THE EXCHEQUER said, if farmers in a parish chose to unite to cart the materials for the roads, the fact that they thereby promoted the benefit of the ratepayers would not subject them to duty. But if they received payment for the hire of their horses, the case did not differ in principle from that of a farmer who let a horse to another farmer; though it was a horse kept for agricultural purposes, it would still be properly liable to duty.

COLONEL WILSON PATTEN said, that this suggestion would hardly meet the case. In repairing the roads, one farmer generally did the team work. It might be that this work was in lieu of his rates, or that the service done by his horses came to something more than the rates, and then he would be liable to the tax. It would be no great concession if the right hon. Gentleman freed from duty all horses engaged in the repair of the roads and not otherwise liable to duty.

Question put, "That the Clause be read a second time."

The Committee *divided:*—Ayes 49; Noes 45: Majority 4.

MR. GLADSTONE said, the clause had been framed in order to extend an existing exemption; there was no proposition on the part of the Government to restrict the exemption. The question was a very serious one; and though he would raise no further discussion then, the Government would consider what course it would be their duty to take respecting it at a later stage of the Bill.

Clause *added* to the Bill.

MR. ALDERMAN W. LAWRENCE said, he wished to propose a new clause with respect to the house duty, which involved a point of great importance to families occupying rooms, especially in the City of London. At the present time there were many instances of a family living in one room, which was a disgrace to the civilization and wealth of the metropolis. The House could not say that a man should earn sufficient wages to enable him to afford better accommodation for his family; but it could reduce taxation on the dwellings which were occupied by the working classes; and the house duty was a very large addition to their rent. The dwellings which were provided by a company that was established by Sir Sydney Waterlow were free from this tax, although they would be liable to pay a large sum if they were built as dwellings let out in tenements usually were. The gross rental of those buildings was £13,030 per annum, and the net rental was £6,857. To pay a dividend of 5 per cent upon the outlay of £109,000 took £5,450. If the house duty had to be paid upon those buildings, it would amount to £310 8*s*., which would be equal to a tax of 5¾ per cent upon the proprietors' dividend, and the company would be compelled to charge a slightly increased rent, in order to recoup themselves the amount. While those new buildings were free from the tax, the occupiers of old and dilapidated houses had to pay a duty of 9*d*. in the pound because there happened to be a front door. The Chancellor of the Exchequer drew no distinction between the ownership of landed property and of house property; but there was this difference, that the landed property was always productive, while houses were not constantly let. When houses of the smaller class were not liable to house duty, and were also relieved by some means from local taxation, the House might look forward to the working classes in large towns being better lodged than they were at the present time. The Chancellor of the Exchequer looked upon rent and taxes as making one sum, forgetting that as taxation increased its burden became heavier upon the smallest houses, owing to the competition for them which was caused by that increase. He hoped the right hon. Gentleman would concede the exemption from duty to houses let out in separate tenements at rentals not exceeding 7*s*. 8*d*. per week, or £20 per annum.

THE CHANCELLOR OF THE EXCHEQUER said, he hoped the Committee would not expect him to go into this case, as no Notice had been given of the clause, which had never been put on the Business Paper. The Revenue of the country ought not to be treated in this manner, as if it were a matter of no account. He could not be fairly called on to show reasons against a clause which he had not had the opportunity of perusing; but which, if passed, would, he believed, operate for the benefit of the landlords, and not of the tenants.

MR. SCOURFIELD said, he trusted the Committee would support the Chancellor of the Exchequer in his opposition to the clause. The real anomaly consisted in houses not being sufficiently taxed. Though there were 4,000,000 or 5,000,000 houses in England and Wales, only 500,000 were taxed. He had no pity for martyrs whose martyrdom returned a profit of 5 per cent.

MR. ALDERMAN W. LAWRENCE said, he had given ample Notice of the clause; but as it was not on the Business Paper, and as the Chancellor of the Exchequer was not prepared to enter upon the subject, he would withdraw the clause for the present, and move it upon the Report.

Clause *withdrawn.*

Schedule A.

MR. ALDERMAN LUSK said, he wished to repeat a statement he had before made, to the effect that the public did not immediately get the benefit of the reduction of the sugar duties. For some six weeks after the Budget, the price of manufactured sugar remained unaltered.

Schedule *agreed to.*

Schedule B.

MR. MACFIE said, he hoped that the Government would consider the question of the restrictions on molasses for brewing purposes.

MR. STANSFELD said, he objected to go into that question at present. The subject, however, would be carefully considered by the Government.

Schedule *agreed to.*

Schedule C.

MR. ALDERMAN W. LAWRENCE said, he wished to know why the farmers of England and Wales had to pay one-third more property tax on their rent than the farmers of Scotland?

THE CHANCELLOR OF THE EXCHEQUER said, that at the time when Sir Robert Peel introduced the income tax it was believed that the farmers of Scotland were more highly rented, in proportion to their incomes, than the farmers of England, and that, therefore, their profits were less.

Schedule *agreed to.*

Bill *reported;* as amended, to be considered upon *Thursday* next, and to be *printed.* [Bill 156.]

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

NORTH LANCASHIRE STEAM NAVIGATION COMPANY—OBSERVATIONS.

Mr. HERMON said, he wished to call attention to the correspondence between the agents of the North Lancashire Steam Navigation Company, the War Office, and the Admiralty, relative to the despatch of the 80th Regiment from Fleetwood to Dublin towards the close of last year. It appeared that about the end of August it became known that the 80th Regiment would be sent to Ireland on service, and the agents of the North Lancashire Steam Navigation Company wrote to the Horse Guards offering to convey the troops to Belfast or Waterford. The reply received stated that arrangements for the conveyance of troops were made by the Admiralty; but a note had been made of the application, which should be borne in mind if steamers were required for the service. There appeared to be some want of harmony between the two Departments, otherwise the Horse Guards would have simply handed over the letter to the Admiralty, whereas the Steam Navigation Company were obliged to write another letter to the Admiralty, placing any one of their three steamers engaged in the passenger trade between Fleetwood and Belfast at the disposal of the Government. The Admiralty then inquired at what rate the company would be willing to convey the 80th Regiment from Fleetwood to Belfast. A tender was made at the rate of 8*s.* 6*d.* per man, provided the number of troops was not less than 500. The Admiralty, however, stated that no requisition had been made at present for the removal of troops to or from Fleetwood; but the offer would be noted for consideration if any service were required to be executed. It appeared as if the intention of the Government had changed. No troops were sent over; but subsequently it was rumoured they were to be despatched to Waterford, and the company wrote again to the Admiralty, when the same reply was received—that no requisition had been made to provide conveyance of troops to Waterford. The company, therefore, were under the impression that the Government had abandoned the idea of sending over troops to Ireland. But, after all, the troops were very shortly after sent over, not from Fleetwood to Belfast, at a cost of 8*s.* 6*d.* per man, or to Waterford direct, at a cost of 10*s.* 6*d.* per man; but by way of Holyhead, at the increased rate of 12*s.* 7*d.* per man, for their conveyance by water, while the personal comfort of the officers and men had been to a great extent disregarded in the arrangement. What the expense was to send them to Holyhead he did not exactly know, but he believed it to be considerable. Hoping that the right hon. Gentleman would be able to give a satisfactory explanation of these facts, he begged to ask the Secretary of State for War, Why those troops were sent viâ Holyhead, at considerable increase of cost and discomfort, in preference to availing of the tender of the North Lancashire Steam Navigation Company for their direct conveyance from port to port?

Mr. CARDWELL said, he hoped he should be able to satisfy the hon. Gentleman, in the tone of whose statement there was nothing to complain of. The 80th Regiment was divided into two wings, one being at Fleetwood, the other at Liverpool. In December they had been called on rather suddenly to reinforce the troops south of Dublin; the natural thing, therefore, in the judgment of the Quartermaster General, was to send over the second wing of the 80th Regiment to Dublin, not to Belfast, to which port the vessels of the Fleetwood Company traded; and having a standing contract with the London and North Western Company for the conveyance of troops, they had availed themselves of that contract. He understood from the inquiries he had made that the Fleetwood Company had mentioned to the Admiralty their willingness to change the port, but only in case there were over 500 men. He did not think so great a number was sent. But it became at last a matter of time, and that pressing, the other arrangement was considered preferable. He hoped that explanation would be satisfactory. All he could say was, it was perfectly right not only that that economy should be consulted on these occasions, but if there was any reason to suppose that the administration of the Department was at fault attention should be called to it. As to the comfort of the men involved in the arrangement, it might be a matter of taste; but, for his own part, if he had to go from Fleetwood to Dublin in the winter months, he should infinitely prefer going *viâ* Holyhead.

ARMY—STAFF APPOINTMENTS.

RESOLUTION.

MR. ANDERSON said, he rose to call attention to the position of officers holding highly-paid Staff appointments under Vote 16. In alluding to a Return presented to the House on this subject he begged to state that he wished to avoid all personal observations. He desired to speak of the system, not of individuals. The first named on the list was that of the Field-Marshal Commanding-in-Chief. The salary of His Royal Highness as Commander-in-Chief was £4,431, which he (Mr. Anderson) did not consider unreasonable; but, in addition, His Royal Highness received £2,200 for regimental pay; and to that he decidedly objected, thinking it anomalous that the Commander-in-Chief should be paid in all £6,600 from the Army Estimates, or more than was received by the Secretary of State for War, under whom he was placed, and who only had £5,000. Was it any wonder that a doubt had arisen as to who was the superior officer? They had been of late repeatedly assured in that House that the Secretary of State was the superior, and the other only subordinate, and, if this Motion was carried, it would remove the anomaly of the subordinate officer being paid higher than his superior. The next office, that of Military Secretary, received £2,243, a salary which he had no hesitation in saying was so extravagant in proportion to the duties as to be a great abuse, yet the present holder had, in addition, £1,000 for regimental pay; but, according to the evidence given before Lord Northbrook's Committee, the Military Secretary was only the mouthpiece and amanuensis of His Royal Highness, and did nothing more than collect the Papers and regulate the business for the Commander-in-Chief, just as the Private Secretary at the War Office did for the Secretary of State, receiving for this duty £300 a year, as contrasted with £3,340 paid to the Military Secretary. There were also two Assistant Military Secretaries. One attended to the confidential department and the other to the promotions. Both had to lay their work before the Military Secretary, who in turn placed it before his Royal Highness. The Commander-in-Chief, in fact, and the Military Secretary were one and the same. The Military Secretary himself said so in his evidence, and, therefore, the way to get rid of the anomaly was to amalgamate these two offices, and so get rid altogther of this awkward name of Commander-in-Chief. It was this name of Commander-in-Chief which was at the bottom of all the difficulties of the dual government, as to which there had been so much discussion. The awkward Memorandum of October, 1861, grew out of this name of Commander-in-Chief — [An hon. MEMBER: There is no such name.] It did not matter whether the name was Commander-in-Chief or Field-Marshal Commanding-in-Chief, the proper thing was to amalgamate the offices, and make the Secretary of State really and truly the Commander-in-Chief. Then there were aides-de-camp almost without number, and their pay was calculated in a very extravagant manner. There were two with £173 half-pay, but receiving £584 each. There were two others receiving £200 each half-pay, and the full-service pay, therefore, would be £400 each, but the actual payments were made up to £611. There was another aide-de-camp with £237 5*s*. half-pay, and who received a certain sum from the Indian Council. Another was paid £173 half-pay, which was increased by £410 for acting as aide-de-camp to the Commander-in-Chief, and £365 for acting as Private Secretary to the Commander-in-Chief, the whole of his pay amounting to £949. He next came to one Adjutant General, who was paid £1,877—£877, and £1,000 extra for his regiment; a Deputy Adjutant

General with £1,074, and £100 for distinguished services—which he should be sorry to interfere with—and £200 half-pay, making altogether £1,375; and an Assistant Adjutant General who received for acting in that capacity £568, in addition to his half-pay, and £100 for "mustering the guards"—whatever that might be. The next was a Deputy Assistant Adjutant General, whose half-pay was £173, but whose income was made up to £576; and there was yet another Assistant Adjutant General connected with the clothing department, who received £769. Then came a Deputy Adjutant General of Artillery, who received £1,535; an Assistant Adjutant General of Artillery, who received £855; and a Deputy Assistant Adjutant General of Artillery, who received £603. And once more in the Engineers, there were a Deputy Adjutant General and an Assistant Adjutant General, with proportionate salaries. Yet Lord Northbrook's Report said of these Artillery and Engineer Offices, they were little better than regimental orderly rooms. The list was still not exhausted, for there figured in the list a Quartermaster General, a Deputy, an Assistant, and a Deputy Assistant Quartermaster General, all with salaries mounting up in the way he had described. Surely, there were a great many of these that might be cut down. As to some of them, distinct recommendations had been made in the Report of Lord Northbrook's Committee, which stated that a much larger administrative Staff is employed in this country, in comparison with the regular and reserve forces than in any of the principal nations of Europe. He maintained that while gentlemen held these extremely well-paid appointments, the duties of which in many cases were very light, they ought not at the same time to be drawing half-pay. His Motion only dealt with a sum of £9,000, and as it contemplated the giving of six months' notice, it could make very little difference in the present financial year; but it would inaugurate a right principle to regulate future appointments.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Secretary of State for War should be instructed to give six months' notice to all Officers holding highly paid Staff appointments under Vote 16, that in future their regimental pay and half-pay must be withdrawn during such time as they hold such appointments,"—(*Mr. Anderson,*) —instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Colonel NORTH said, that nothing was easier than to get up in the House and move that gentlemen be deprived of a portion of their income. But the hon. Member who brought forward this Motion did not even know the A B C of the question which he was anxious to deal with. He had jumbled together the names and duties of the different officers in a most unaccountable fashion. He began by calling his Royal Highness "the Commander-in-Chief," and founded a string of observations upon the name. But there was no such name in the British Army. His Royal Highness was the Field Marshal Commanding-in-Chief, and was paid accordingly. Again, he talked of Adjutants General, Quartermasters General, and ever so many other officers. Did he know a single thing about the duties they were called upon to discharge? Did the hon. Gentleman know the duties of the Adjutant General and the Quartermaster General? Did he know that the Adjutant General had to confer with his Royal Highness upon the discipline of the Army and the Quartermaster upon the movements of troops? The hon. Gentleman should make himself acquainted with the duties which these officers had to perform before he proposed to deprive them of their regimental and half-pay. Was Sir Hope Grant, for instance—an officer who had served with the greatest distinction—to be deprived of his emoluments on the Motion of an hon. Gentleman who had displayed the grossest ignorance of the service? He regretted that the time of the House should be taken up in this manner, and trusted that the right hon. Gentleman the Secretary of State for War would not listen for a moment to such a proposal as that now under consideration.

Colonel STUART KNOX said, he objected to the hon. Gentleman acting as jackal to the Government in this manner, and giving a hint to a Government who were reducing everything, that a reduction would be advisable in the salaries of officers who were not only distinguished for their services but who had paid large sums for their commissions. It should not be forgotten that His Royal Highness, though in reality the Field-Marshal Commanding-in-Chief, received only the pay of a General Commanding-in-Chief, and yet the right hon. Gentleman proposed that his pay should be still further reduced. No one but the hon. Gentleman who had brought forward this Motion would, he thought, contend that the services of his Royal Highness, whether in peace or in war, had not been of great advantage to this country. He trusted the right hon. Gentleman at the head of the War Department would repudiate the proposals made by the hon. Gentleman.

Mr. CARDWELL: I hope, Sir, I shall be able to maintain my own ground without exhibiting any warmth or exciting any warmth of feeling in others, for I believe I shall have no difficulty in satisfying the House that the Motion of my hon. Friend is one to which it is undesirable that we should agree. The effect of the Motion would be this—You would not be able to get for the offices at the Horse Guards those who had been distinguished for the services they had rendered to their country, and who had been appointed to the command of regiments. Take the case of the Adjutant General, upon whom we rely for the maintenance of the discipline of the Army. In this Return it is stated that he receives £2,877 a year. I am not prepared to say, looking at the salaries which we vote, that you could give to the officer who is responsible for the discipline of the Army anything but a liberal salary. But the effect of my hon. Friend's Motion would be to reduce the Adjutant General's salary to £1,877. He would naturally consider that, as he already received £1,000 for the command of his regiment, the pay for the additional labour which he performed would amount to £877 only, or something like the salary of the chief clerk in his office. Upon reflection, I think my hon. Friend (Mr. Anderson) will consider that such a course would be neither wise policy nor real economy. Then take the case of Sir Hope Grant. That distinguished officer receives £3,227. Of that sum he receives £1,350 from the command of his regiment, leaving £1,877 if the reduction proposed by my hon. Friend were carried out; in other words, that distinguished officer would receive £527 more than would be paid to him if he did not undertake the duties which he performs. On the same principle, the amount paid to Colonel Egerton, who is a distinguished cavalry officer, would be £875, or about the same as received by the principal clerk in his office. I think I need say no more to show that it would be undesirable to agree to a Motion which would have the effect of depriving the country of the services of some of our most distinguished officers.

Major General Sir PERCY HERBERT said, he would remind the House that a considerable portion of the salaries mentioned in the Return included the keep of horses, as well as largely increased expenditure in the form of house rent.

Amendment, by leave, *withdrawn.*

ARMY—HORSE ARTILLERY IN INDIA.

RESOLUTION.

Mr. WALSH, in rising to call the attention of the House to the proposed reliefs for the Royal Horse Artillery in India, said, that at the close of the government of the East India Company the re-organization of the old Indian Army occupied much of the attention of the Legislature. A Commisssion was appointed to consider the subject; and, spite of the opinions of Lord Ellenborough and Sir John Lawrence, who strongly urged the retention of the Native Army, the Commission reported in 1869 by a large majority—

> "That nothing could be more unfortunate, not to say dangerous, than so to organize the armed forces of the State as to sow the seeds and form the groundwork of professional jealousies and heartburnings, the inevitable result of a double system."

But the double service, although extinguished in name, might still exist in fact, and he thought that nothing could be more dangerous to the good feeling which should exist than the power on the part of the military authorities to maintain invidious distinctions, and to act upon a system of favouritism. The Royal Horse Artillery consisted of six brigades. The A and B Brigades belonged to the old Royal service; the Brigades C, D, E, and F were the old Indian Artillery, which had been amalgamated with the former. The A Brigade, which belonged to the old

Royal Artillery, relieved the C Brigade in 1865, and now, according to the answer which the right hon. Gentleman the Secretary of State for War had given him towards the close of last Session, the B Brigade, which returned from India in 1861, was not to be sent out, though the first for foreign service, but the C Brigade, which, as he had stated, had returned in 1865, was to go out, on the ground that one of the old Royal Artillery brigades must always be in England. As four brigades must be in India, it was perfectly evident that if one of the old Royal Brigades was always to be in England, the old Royal Artillery must have a double quantity of home service compared with the old Indian Artillery, and, therefore, they were not amalgamated upon those equal terms which were promised them at the time. Could anything be more unjust that the officers and men of the one should have double the home service of the officers and men of the other? In the C Brigade, which it was proposed to send out out of its turn, there were 700 men who had enlisted imagining that they should be on equal terms with the men of the Royal Artillery. According to the Regulations of the War Office he made out that the F Brigade would not be relieved until 1881. Now, he would ask how many of those officers who gave up their retiring fund and other privileges in 1861 would reap in 1881 the benefit of their amalgamation with the Royal Artillery? Hardly one. He could not believe the House would allow such unfair treatment of men to whom we owed so much for the preservation of our Indian Empire.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, strict impartiality in the selection for Indian service should be observed between that portion of the Royal Artillery which was formerly in the East India Company's Service, and that which was originally Royal Artillery,"—(*Mr. Walsh,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

CAPTAIN VIVIAN said, the Motion of the hon. Gentleman was a repetition, in another form, of a Question which had been addressed by the hon. Gentleman to the Secretary of State for War in the course of last Session; and were it simply confined to that question he might have been excused if he trespassed longer on the time of the House than was necessary to give a repetition of the answer. But the hon. Gentleman now submitted the subject to the House in a more formidable manner. He was surprised to hear the manner in which the question had been brought before the House by the hon. Gentleman, who was an old soldier, and he regretted to hear the terms which the hon. Member had used when speaking of the Horse Guards. The hon. Member said the system was an organized system of favouritism of the Horse Guards. But this assertion could not be substantiated by facts. If it were true there would have been a remonstrance made by the officers connected with the brigade under orders for India; but no such remonstrance had been made, and he believed he was justified in stating that the feeling of those officers was adverse to the Motion. Why, then, did the hon. Member bring forward his grievance? Had the hon. Member been influenced by one of those officers? If so, was he not trenching very much on the opinion they had always held that matters of military discipline should not be debated in that House? The facts were these—It was arranged at first that the general service of brigades should be confined to 10 years in India and five years at home. But afterwards, for reasons which military men would understand, it was determined that, as there were only two brigades of the old Royal Artillery, it would not be right that the two should be in India at the same time, until it was perfectly certain that the new system would work well, but that one of those brigades should remain in England. In 1864 that arrangement was made by the Commander-in-Chief, in consultation with the Secretary of State for War and the Secretary of State for India. At first the Overland Route was not open, and the reliefs were made by half brigades. In 1865 half a brigade of the old English Royal Artillery was sent to India, and the same year half an Indian brigade came home and the remaining half brigade of the old English Artillery went out. The old brigade had only served five years. When the Overland Route was opened the authorities were able to relieve by whole instead of by half brigades, and they did so. In 1867 the 17th Brigade at Madras was relieved; in 1868 the 1st Brigade at Bombay was relieved; and in 1869 another brigade was relieved at Madras. Well, why was the C Brigade going out now? Because it had served its five years in England; and its duty now was, therefore, to go to India. From these considerations he thought the hon. Gentleman had not substantiated his complaint; and he (Captain Vivian) regretted that the Motion had been brought forward, for all the arrangements had been conducted with perfect fairness.

Amendment, by leave, *withdrawn.*

ARMY—QUARTERMASTERS OF MILITIA.

OBSERVATIONS.

Viscount ENFIELD rose, according to Notice, to call attention to the hardship that will be inflicted on Quartermasters of Militia by their compulsory retirement during the next financial year. He said that the pay of the quartermasters of Militia at present amounted to about £139 a year, and the whole charge for them upon the Estimates was £17,955. The scale of retiring allowances for those officers proposed by the Secretary of State for War was for those quartermasters of Militia who had served under five years, 2*s.* 6*d.* per day; for those who had served over five and under 10 years, 3*s.*; for those who had served over 10 and under 15 years, 3*s.* 6*d.*; and for those who had served over 15 years, 4*s.* per day. Now, what he would suggest was, that the existing quartermasters should be permitted to serve until they were entitled to the maximum allowance of 4*s.* per day; or, if it was thought better altogether to abolish the office of quartermaster of Militia, that they should be allowed to retire on 4*s.* per day. The quartermasters of Militia had received their commissions, as it was supposed, for life; and on the strength of so receiving them they had incurred considerable outlay; they had paid for their uniform and outfits, had made themselves responsible for some portion of the regimental charges of their corps, and had probably also taken permanent quarters in the towns in which the Militia corps to which they belonged were established—all of which expenses fell very heavily on them. The compulsory retirement next year of those who had served the minimum time—namely, over three and under five years, would entail on them the loss of £84 out of their £139 per annum—a loss which to that class would amount almost to absolute ruin. There was no class to whom he was sure the country was more anxious to accord a safe and an honourable retirement than meritorious non-commissioned officers of the Army, and he hoped the Secretary of State for War would favourably consider their claims, and satisfy a very deserving body of men without prejudicing the public service.

Mr. CARDWELL said, he regretted that he was compelled to turn a deaf ear to the appeal just addressed to him, for it was always painful to have to reject proposals made on behalf of a meritorious class of men. At the same time, some regard must be paid to the bearing of such proposals on the interests of the public. What was the case of the quartermasters of Militia? Those officers might, perhaps, have thought they would be safe and would remain as quartermasters for life; but they could not have expected to receive a retiring allowance. It had been his duty to endeavour to combine the efficiency of the service with economy, and it appeared to him that quartermasters for Militia regiments were really an unnecessary luxury. There was no branch of the public service in which retrenchment could be better enforced. The adjutant of Militia was actively employed during only six weeks in the year, and the regulations sanctioned a special allowance to the officer who performed the duty where there was no quartermaster. The whole of those functions could be discharged without maintaining those officers in perpetuity. After 1829 the quartermasters of Militia were discontinued altogether; but after the Crimean War a sort of compromise was agreed to, by which they were revived, but without being entitled to any retiring allowance. He had sought to make the best arrangement he could in the matter by conceding the demand for retiring allowances, which he did all the more willingly because those officers were the only commissioned officers of the Army who had no retiring allowance. At the same time, he had thought it right to take the opportunity of determining that the duties now discharged by quartermasters should in future be discharged by the adjutants and the quartermaster-sergeants. He did not think the proposed scale of retiring allowances was at all insufficient. With regard to the proposal of which the hon. and gallant Member for Buckingham (Sir Harry Verney) had given Notice as to the billeting of the Militia, he could not have agreed to that Motion if it had been pressed. Every arrangement that could be made to minimize billeting, or to induce the regiments of that force to come out at the time of the year when they could be placed under canvas, should have his cordial support; but it was impossible for him to give the hon. and gallant Member (Sir Harry Verney) the assurance to which his Notice of Motion pointed.

Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—ARMY ESTIMATES.

SUPPLY *considered* in Committee.

(In the Committee.)

(1.) £43,400, Divine Service.

(2.) £45,600, Martial Law.

MR. ALDERMAN LUSK said, he wished for an explanation of the increase in the item of travelling expenses for prisoners, and also on the subject of the item for deputy-judge advocates, and of the item for prison charges.

MR. CARDWELL said, that while there was a decrease of £10,704 in the establishment charges, there was an increase of £5,000 in travelling expenses. This increase was caused by the carrying out of a recommendation of the Commission on Courts-martial, to the effect that there should be one central prison. By the establishment of a central prison the War Office had been able to shut up no fewer than six military prisons. The Government had not acted on the recommendation of the Commission in respect of increasing the number of deputy-judge advocates; because, under existing circumstances, they had not thought it expedient to do so.

Vote *agreed to.*

(3.) £247,500, Medical Establishments and Services.

COLONEL NORTH said, he would call attention to the Vote of £11,500 for the maintenance of military lunatics. He wished to know whether any of them were confined in Netley Military Hospital?

MR. ALDERMAN LUSK said, he wished to ask the Secretary of State for War, If he was sure that medicines were properly purchased, and that the Army was not like another Government Department, paying 9*s.* for an article which ought to cost only 3*s.*?

MR. CARDWELL said, he believed that great care was taken in the purchases of medicines for the Army, and he was not aware that for medicines which ought only to have cost 3*s.* a sum of 9*s.* had been paid.

Vote *agreed to.*

(4.) £720,000, Militia and Inspection of Reserve Forces.

COLONEL WILSON-PATTEN said, he would beg to ask whether any change had been made in respect of the pensions to adjutants of Militia? In consequence of the small amount of these pensions, there was little or no inducement to adjutants to retire. It was desirable that some change should be made if no change had already occurred.

MR. CARDWELL said, he could not say that any change had been made in the system of retiring allowances to adjutants; but he had under consideration the question whether the rule should not be that adjutants should retire at the age of 60, unless the commanding officer interposed with a recommendation to the contrary. At present the rule was that an adjutant might retire at the age of 66.

MAJOR GENERAL SIR PERCY HERBERT said, he desired some explanation as to the system of inspection of Reserve Forces. He believed that at present some confusion existed; for he heard that on a recent occasion two inspecting officers—one from Manchester and the other from Plymouth—attended at the same place to conduct an inspection. They tossed in order to arrive at a decision as to which should inspect, but both dined at the mess.

MR. CARDWELL said, he had not before heard of the occurrence just mentioned by the hon. and gallant Gentleman. A most important change had been made, in accordance with which the inspection of Reserve Forces would be under the control of the officer commanding in the district. If the mistake stated by the hon. and gallant Gentleman had occurred, it was not perhaps to be much wondered at, as the new system had only been a few weeks in operation.

COLONEL BARTTELOT said, he would appeal to the right hon. Gentleman to postpone this Vote for the Reserve Forces. An important discussion on the subject of those forces was to be raised by the noble Lord the Member for Haddingtonshire (Lord Elcho), who was not now present; and he thought the Vote ought not to be taken till after that discussion.

MR. CARDWELL said, he must appeal to the Committee. The Session was advancing, and he had had the Army Estimates on the Paper several nights without being able to get a Vote. He was quite prepared to discuss the subject of our Reserve Forces. He would, however, make a compromise with the hon. and gallant Gentleman (Colonel Barttelot). He was willing to postpone the portion of the Vote that related to the Volunteers. He believed there would be no controversy as regarded the Vote for the Militia.

SIR HARRY VERNEY said, he believed that if the officers of Militia were appointed by the Crown through the Horse Guards, that mode of appointment would induce many more gentlemen to join the force.

MR. CARDWELL said, he wished the number of Militia officers were larger than it was; but he believed there was a considerable desire on the part of gentlemen to join the force.

MR. GOLDNEY said, he wished to know what was the meaning of the sum of £39,600, under the head of lodging allowances for furniture in connection with the Militia, in lieu of the charge for lodgings, furniture, billet-money, &c. The different counties of England had expended large sums in erecting barracks for the accommodation of the Militia, and, therefore, he was unable to understand how this expenditure was accounted for.

MR. CARDWELL said, that the lodging allowance was made to the Militia at the same rate as to the Line, while under temporary duty. If they were put into barracks they only received half the amount for furniture.

MR. GOLDNEY said, that £35,000 was put down for the accommodation of the permanent Staff. If the obligation of supplying barracks rested on the counties, the obligation ought to be enforced in all cases.

MR. CARDWELL said, the obligation was in force.

MR. MUNTZ asked what was the effective force of the Militia last year?

MR. CARDWELL said, the effective force last year called up for drill was 79,000, and there were 6,216 absent.

COLONEL BARTTELOT said, he wished to know what would be the number of the Militia Reserve this year; and whether it was true that the second surgical examination of men who had been in the Militia had been dispensed with on their entering the Militia Reserve; and that the result of such change had not been that an inferior class of men had been enrolled in that Reserve Force?

MR. CARDWELL said, that the second surgical examination, having been found unnecessary and very vexatious to the men, had been dispensed with on their entering the Militia Reserve. As to the number of Militia Reserve, the whole of the Returns were not yet in; but he felt very confident that the Militia Reserve would be entirely filled.

MAJOR-GENERAL SIR PERCY HERBERT said, that the former regulations had required that the men entering the Reserve should be 32 inches round the chest, and that they should be 5 feet 4 inches in height. He thought that the object of the change had been to throw dust in the eyes of the public with regard to the strength of the Militia Reserve, which it was desired to make as strong upon paper as possible.

MR. CARDWELL said, there was no intention of throwing dust in the eyes of the public with respect to this question. His only desire had been to draw into the Militia Reserve Force the men who had been already passed for the Militia.

SIR JOHN PAKINGTON said, that it was of the greatest importance that the public should be informed what was the actual strength of the Militia Reserve. He also wished to put a question to the right hon. Gentleman with regard to his hon. and gallant Friend (General Lindsay), who was at the head of the Reserve Forces in the War Office. That hon. and gallant Gentleman had been sent to Canada to bring home the troops who were at present in Canada, but who were to be brought back to this country, in pursuance of the colonial policy of the Government. He wished to know how long the hon. and gallant Gentleman was to be absent for that purpose; and, whether the intentions of Her Majesty's Government had undergone any alteration with respect to bringing home the troops now in Canada, in consequence of recent occurrences in that part of the Empire?

MR. CARDWELL, in reply, stated that the number of the Militia Reserve, as far as the Returns had been sent in, amounted to 16,312, but that 43 regiments had not yet sent in their Returns. He believed, however, that the full number of 20,000 would be brought into the Reserve. General Lindsay had been sent out for a limited period at the request of the Canadian Government, who were anxious to have the advantage of his assistance in forming their military force. The intentions of her Majesty's Government with regard to the withdrawal of the troops from Canada had undergone no change in consequence of recent events in that country.

VISCOUNT ENFIELD said, he would beg to supplement the answer of the right hon. Gentleman to the hon. Member for Chippenham by stating that in many counties the accommodation for the permanent Militia Staff was not sufficient, and that, therefore, lodging allowances had to be made.

MR. CARDWELL said, he would make inquiries into the matter.

Vote *agreed to.*

(5.) Motion made, and Question proposed,

"That a sum, not exceeding £81,900, be granted to Her Majesty, to defray the Charge for Yeomanry Cavalry, which will come in course of payment from the 1st day of April 1870 to the 31st day of March 1871, inclusive."

SIR HENRY HOARE said, that when he objected to this Vote last year he was met by statements that steps were being taken to render it more efficient, but that promise had not been fulfilled. Notwithstanding the statement of the right hon. Gentleman that breech-loading rifles were to be served out to this force, only 3,200 of such weapons had actually been issued to them. Sir John Burgoyne said it took three years to make an efficient cavalry soldier; and he (Sir Henry Hoare) appealed to Yeomanry officers opposite to confirm his statement that the Yeomen were drawn from a class who could not afford the time to learn the duties efficiently. The hon. Member for North Northamptonshire (Mr. Hunt) and Kendal (Mr. Whitwell) had stated as much. He therefore asked whether it was reasonable to spend £81,000 on a force of 15,000 imperfectly drilled cavalry soldiers. If the men were to be regarded merely as mounted riflemen, why was it that only 3,000 rifles were issued to them? County Members, he knew, upheld the Yeomanry from social considerations; they thought it a pity to put an end to an institution which maintained happy social relationships between different classes. In Buckinghamshire, he understood the Militia was not to be called out for fear of the smallpox which prevailed in the county. This £81,000 would be spent on a great county job which he resisted in the interest of the taxpayer. He must take the sense of the House against the Vote.

MR. BARNETT said, he could not agree with the hon. Baronet (Sir Henry Hoare), whom he knew to have a great antipathy to the Yeomanry Force; indeed, he might say they were the "favourite aversion" of the hon. Member for Chelsea. The utility of this force had been demonstrated over and over again, and they might be sure that the present Government, with their economical views, would not have proposed the present Vote unless they were satisfied that the force was one that deserved to be maintained. As one practically acquainted with the Yeomanry he would say with regard to the new regulations, that there was some difference of opinion among the officers. He knew that the Yeomanry were in a high state of efficiency, especially considering the amount of drill they went through, and the force, he believed, was fairly reported on by inspecting officers. His own opinion was rather in favour of instructing them in the use of the sword, as the class from which they were drawn—men with strong arms and a good seat in a saddle—were more likely to be effective with that weapon than with a rifle, and might become ridiculous when skirmishing on foot. However, there might be, undoubtedly, a very wholesome rivalry wherever butts had been provided for the Volunteers, and a tendency to practise shooting which should be encouraged as much as possible. The arrangement to reduce the number of officers was wise, and he should like to know whether the officers reduced would still hold their rank nominally, and would be eligible to take the place of the permanent officers when absent or disabled — an arrangement which would be very satisfactory to those who must now become supernumeraries. He believed no impediments would be found in getting the men to attend the extra drills laid down in the new programme, as already several regiments had expressed their readiness to fall in with it, and he for one could say that a little judicious arrangement on the part of the officers would obviate every difficulty. Perhaps the right hon. Gentleman would be more explicit in regard to the regulations by which, in case of accidents to horses, some allowance might be made by the Government if it was shown that the mishap occurred while on preliminary drills. When a farmer was asked to go out on extra days his horse was liable to injury, and it would be satisfactory to know that the Government would not grudge some compensation in such a case.

Mr. BROMLEY-DAVENPORT said, that by the new regulations three of the eleven troops of Staffordshire Yeomanry, consisting of six squadrons, would be done away with, and the effect would practically be to do away with the regiment itself. He had recommended to the War Office that in the case of a large county like Staffordshire two regiments should be formed, so that they could meet as before, except that the force would be formed of two regiments instead of two wings. The Yeomanry of Staffordshire had preserved the county from a most fearful outbreak, and had received the thanks of the county for their services on that occasion, which happened to be harvest time. The hon. Baronet had stated that rifles were of no use to the Yeomanry, but the truth was that they had been supplied with efficient carbines in lieu of inefficient ones. He agreed with the last speaker, however, that it was a great mistake to dispense altogether with the use of the sword.

Major ANSON said, he desired to say a few words in support of the hon. Baronet's (Sir Henry Hoare's) Motion. Last year we had a fairly efficient cavalry force; but at the present moment there was not a single cavalry officer in the British Army who would not say that our cavalry force was entirely destroyed. If, then, the country could not maintain an efficient force like the regular cavalry it ought not to support an inefficient and merely ornamental one like the Yeomanry. We might safely reduce our infantry to a considerable extent, because foot soldiers could be trained in a much shorter time than cavalry, and, moreover, we had the Militia and the Reserve to fall back upon; but the Yeomanry could not be regarded as an efficient Reserve for cavalry. It would be a fatal mistake if the civil power should in the present day use the Yeomanry Cavalry for the suppression of civil riots. The best thing to do in such an event would be to employ the regular troops. While admitting that the Yeomanry performed their duties marvellously well, considering the few opportunities they had of attending drill, he must express his belief that there was not a general in the Army who would employ them in active service in the field. In conclusion, he would remark that half-trained infantry would not inflict so much injury on their friends as a half-drilled cavalry regiment.

Mr. NEVILLE-GRENVILLE said, he could not perceive the force of the argument of the hon. and gallant Gentleman opposite (Major Anson), who stated that the circumstance of the efficiency of our regular cavalry force being destroyed was a reason for not maintaining the only other cavalry we had. As to the value of the Yeomanry Cavalry, the opinion of general officers, from the Duke of Wellington down to those who were now at the Horse Guards, was diametrically opposite to that entertained by the hon. Member. If the hon. Baronet (Sir Henry Hoare) and other inferior Members of the House continually brought forward complaints of this kind it was the duty of the leaders of the House to say distinctly whether the corps was useful to the country or not. As long, however, as the services of the Yeomanry were deemed useful, they would continue to be given. He trusted that next year the hon. Member who last spoke would be guided by the Government he usually followed, instead of launching forth his very crude notions respecting a force which he understood as little as he appreciated.

Lord GARLIES said, this was an unfortunate time for an ardent supporter of the Government to bring forward the present Motion, because the policy of the Government had been the reduction of the regular and the increase of the Reserve Forces. During his brief military career he had held a subordinate position under a general officer, whose duty it was to inspect many Yeomanry regiments, and his opinion as to their value was quite opposed to that of the hon. Baronet (Sir Henry Hoare). One point had been entirely overlooked in this discussion. In case of invasion a mounted force would be required for patrolling, and what force was so suited for such service as one composed of men who were conversant with every road and lane in their county.

Mr. CARDWELL said, he should not defend this Vote on the ground that the Yeomanry Cavalry were at all required in aid of the civil power. Indeed, he entirely concurred in the opinion of those who thought that if unfortunately we were obliged to have recourse to military force, we ought to employ the regular Army. He defended the Vote on the ground that we had in this country no conscription, and that it was desirable to secure the voluntary services of all classes of Her Majesty's subjects. Last year the House had decided, by a large majority, that the Yeomanry Cavalry Force was to be continued; but that it was to be put upon a more economical and efficient footing. To carry out those objects the Government had used their best exertions. That the force had been placed on a more economical footing was shown by the sum which was asked for in the Estimates, while its greater efficiency might be inferred from the fact that to 22 regiments 6,687 Westley-Richards carbines had been issued, with which some of the Yeomanry officers had declared themselves to be greatly pleased, stating that the men could do anything with them at 800 yards. Whatever might be the opinion of the Yeomanry, they constituted the oldest part of our Volunteer Force, their institution being due to Lord Chatham, in 1761. He was sorry, therefore, to hear so distinguished an officer as his hon. and gallant Friend the Member for Bewdley (Major Anson) speak of them in such terms as he had used. What, he would ask, had been done to destroy that cavalry which, according to his hon. and gallant Friend, was last year so fine a force? The number of the regiments in the country had been added to, though in order to produce economy the depôt troops had been reduced from two to one—that was to say, we had seven troops, in order that when six went abroad there might be one left at home. He could not imagine that, adding two to the number of regiments and diminishing by one the number of troops could fairly be described in the terms employed by his hon. and gallant Friend. But, however that might be, our cavalry force, though extremely efficient, was very small, and it was necessary that we should have a Reserve which would furnish escorts and outposts when required, and for those purposes the Yeomanry would be found most valuable. The reports of the inspecting officers, he might add, were generally favourable to the force, and he hoped, under those circumstances, the Committee would adhere to the decision which was arrived at last year.

Major General Sir PERCY HERBERT said, it must not be argued that because one branch of the service had been injudiciously reduced the same operation ought to be applied to all. He protested against the remarks which had been made with a view to disparage the Yeomanry Cavalry. There was a great deal of nonsense spoken about regular and irregular troops. Every officer of experience would, he believed, be able to make good use of the latter as well as of the former. He would not ask them, of course, to perform the same duties as regular soldiers; but when fairly organized, an irregular force might be found very valuable.

Mr. D. DALRYMPLE said, he must express his regret at not hearing any conclusive testimony to show that the Yeomanry Cavalry had increased in efficiency.

Sir HENRY HOARE said, in reference to the remarks of the Secretary of State for War, he might point to the testimony of the hon. and gallant Member for Bewdley (Major Anson) to show that the Yeomanry were not efficient troops for the performance of the duties of outposts. It was considered by many experienced officers that the best description of men were required for outpost duty. He was resolved to take the opinion of the Committee on this question.

Question put.

The Committee *divided:*—Ayes 124; Noes 20: Majority 104.

Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow.*

PROTECTION OF INVENTIONS BILL.

On Motion of Mr. Attorney General, Bill for the Protection of Inventions exhibited at International Exhibitions in the United Kingdom, *ordered* to be brought in by Mr. Attorney General and Mr. Solicitor General.

Bill *presented,* and read the first time. [Bill 157.]

House adjourned at a quarter after One o'clock.

* * *

HOUSE OF COMMONS,

Friday, 10*th June,* 1870.

MINUTES.]—Supply—*considered in Committee —Resolutions* [June 9] *reported.*

Public Bills — *Ordered — First Reading —* Advertisements (Stolen Goods)* [159]; Dividends and Stock (Ireland)* [158].

Second Reading—Commons Inclosure [119], *debate adjourned;* Protection of Inventions* [157]; Telegraph Acts Extension* [142].

Committee—Report—Jewish United Synagogues* [151]; Saint Olave, &c. Charities* [152].

FEES IN THE SUPERIOR COURTS OF COMMON LAW.—QUESTION.

Mr. WHITWELL said, he wished to ask the Secretary to the Treasury, Whether the attention of the Treasury has been drawn to the fact that the fees received in the Superior Courts of Common Law equal the expenditure less an amount of only about 6 per cent in the two years ending March 1869 and 1870, while in the Court of Probate the expenditure exceeded the fees in 1869 by £76,373, or more than one-third, and in 1870 by £55,008, or nearly one-third of the whole expenditure; and, if the Government has any intention of causing the scale of fees to be so altered as to make the probable amount of fees equal to the expenditure?

Mr. STANSFELD said, he was afraid, in the first place, that his hon. Friend took too favourable a view of the balance between expenditure and receipt in the Superior Courts of Common Law when he said that the fees received in those Courts equalled the expenditure less an amount of only 6 per cent. His hon. Friend might observe, if he looked to the Return from which, no doubt, his figures were taken, that the salaries of the Judges were not included. But, whatever the basis of his calculation might be, his hon. Friend placed on one hand the Courts of Common Law and on the other the Court of Probate, and stated that in the case of the latter Court the expenditure exceeded the fees in 1869 by £76,373, or more than one-third of the whole expenditure. The answer was, that the whole of the difference apparently in favour of the Common Law Courts and against the Court of Probate was caused by the very heavy compensation payable by the Court of Probate under the legislation of some years ago, when compensation was provided for proctors and others. He thought his hon. Friend would understand that it would be unreasonable to raise the fees of the Court so as to make the suitors of the present day pay those compensation allowances.

INDIA—INCOME TAX.—QUESTION.

Mr. DICKINSON said, he wished to ask the Under Secretary of State for India, Whether it is the intention of the Secretary of State for India to disallow the India Income Tax Act, No. 16, of 1870?

Mr. GRANT DUFF: Sir, the question has not yet come officially before the Secretary of State in Council; but I can imagine few things less probable than that the Act should be disallowed.

WEST COAST OF AFRICA—THE GAMBIA. QUESTION.

Mr. R. FOWLER said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether it is true that negotiations have taken place with the view of the transfer of the Settlement of the Gambia to the Emperor of the French?

Mr. MONSELL: In answer to the Question of the hon. Gentleman, I beg to inform him that communications have passed between Her Majesty's Government and the Government of France, having for their object the determining the limit of English and French influence on the West Coast of Africa, and that the transfer of Gambia to France is one of the steps under consideration as part of that arrangement. It may be well to state that, in 1868, the European population in Gambia numbered 39 males and eight females.

Afterwards—

SIR JOHN HAY said, he would beg to ask the head of the Government, Whether it is possible that the Settlement of Gambia, and the great arterial communication of Africa, can be conveyed to France without the consent of Parliament?

MR. GLADSTONE said, that though he was taken by surprise by this Question being put, still he might say that his impression was that such an arrangement could not be carried out without the consent of Parliament. He could not answer positively, but that was his impression and belief.

A little later in the afternoon the right hon. Gentleman added that what he had already said had reference to the power of the Government—to the question whether there was power in the Government or not. He added that there never had been the slightest intention of taking any proceedings of the kind without the consent of Parliament.

BRITISH HONDURAS.—QUESTION.

MR. BARNETT said, he wished to ask the Under Secretary of State for the Colonies, Whether the Government has received information of an irruption of Indians from Yucatan into the Colony of British Honduras and the seizure of the town of Corosal; whether there is any reason to think this irruption has been instigated by the Mexican Governor of Campeachy; and what protection exists in the Colony, or will be provided against such hostile attacks?

MR. MONSELL said, in reply, that the Government had received information of an irruption of Indians from Yucatan into the Colony of British Honduras. There had not been, however, a seizure of the town of Corosal, but only a temporary occupation, because the inhabitants, assisted by the troops, had with great gallantry driven out the Indians. The facts that led to the belief that the proceedings of the Indians had been instigated by the Mexican Governor of Campeachy, and that the Mexican Government were responsible for what had happened, were at present under the serious consideration of Her Majesty's Government. There were two companies of a West India Regiment in the Colony, and at the time of the irruption 100 infantry and 10 artillery were sent from Jamaica to the Colony, and he thought they must have arrived there by this time. The Governor of Jamaica was at present in this country, and Her Majesty's Government were in communication with him as to what further steps should be taken for the protection of the Colony. When a decision on the subject had been come to he would be happy to give the hon. Gentleman information as to the result.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

CANADA RAILWAY LOAN.

RESOLUTION.

MR. MONK, on rising to calling attention to the Correspondence laid before Parliament relative to the Canada Railway Loan Act, 1867, said, he had no intention of expressing distrust of the Government of Canada, still less of imputing to that Government any want of good faith or integrity. Neither did he believe that this loan had been prematurely negotiated under the pressure of financial difficulty, or in a manner other than beneficial to Canada and not disadvantageous to this country. Entertaining these views, he should carefully avoid making use of any expressions that could give pain or annoyance to his Canadian fellow-subjects, and if in the course of his observations he should be under the necessity of alluding to and commenting upon the acts of members of the Canadian Government, he should endeavour to do so with the greatest moderation, bearing in mind that they were responsible not to that House, but to the Canadian Parliament. It might be in the recollection of the House that attention was called last year by the hon. Member for the Fife burghs (Mr. Aytoun) to the mode in which a portion of the money which had been raised under the Canadian

Loan guarantee had been temporarily invested by Sir John Rose, the then Finance Minister of Canada; but as the object of that Motion, which had eventually been withdrawn, had been misunderstood by the Canadians, he should refrain from making a Motion similar to that of the hon. Member, which was to the effect that no further guarantee should be given by the Commissioners of Her Majesty's Treasury, except in such form and manner as should insure the direct application of the money so guaranteed to the construction of the Intercolonial Railway. That Motion, as he had already stated, had been withdrawn, after a short discussion, at the request of the right hon. Gentleman the First Minister of the Crown, and upon his giving an assurance that the subject was receiving the serious consideration of Her Majesty's Government, and that the opinion of the Law Officers of the Crown was being sought upon the matter. He also refrained from bringing forward such a Motion, because he believed from the correspondence before the House that the Canadian Ministry were really anxious to comply, not only with the letter, but with the spirit of the Canadian Railway Loan Act; and, secondly, because he had the fullest confidence that the right hon. Gentleman the Prime Minister and his Colleagues at the Treasury would not guarantee the remaining moiety of this loan, without taking full security that the money should be directly appropriated to the railway for the construction of which the guarantee had been given. But, although utterly opposed to the principle of colonial loans, which he regarded as a most unconstitutional method of increasing the burdens of this highly-taxed country, he should not have felt it his duty to bring the matter before the House, if a satisfactory explanation had been given, or if he did not fully concur with the Law Officers of the Crown, that the spirit and intention of the Imperial Act had not been complied with, and that the investment of money under the Minute of the Privy Council of Canada of the 27th of August, 1868, was in violation of the provisions of that Act. In 1867 an Act was passed authorizing the Treasury to guarantee the payment of interest upon the sum of £3,000,000 sterling for the purpose of constructing an intercolonial railway between Quebec and Halifax upon certain conditions, one of which was that an Act should be passed by the Canadian Parliament for the construction of a railway along a route to be determined by a Secretary of State, and for its use by Her Majesty's troops. The Canadian Act was also to provide for the raising, appropriation and expenditure for the purpose of the construction of the railway of the £3,000,000, and for raising such further sum on the sole credit of Canada, as might be required to complete the railway. In December, 1867, the Canadian Parliament passed an Act providing for the raising of an additional £1,000,000 to complete the railway, and the Bay of Chaleurs route was selected and approved of by the then Colonial Secretary the Duke of Buckingham. On the 13th of February, 1868, the Secretary to the Treasury (Mr. Hunt) wrote to the Colonial Secretary, approving generally of the Act of the Canadian Legislature, 31 *Vict.* c. 13, for the construction of the Intercolonial Railway. But when he (Mr. Monk) came to look closely into the provisions of that Act, he confessed that he felt some degree of surprise that the Lords Commissioners of Her Majesty's Treasury should, without a little more consideration, have expressed their satisfaction with the terms of that Act. The important clauses of that Act, which referred to the appropriation of the money, were the 27th and the 35th; the 27th clause merely repeated the words of the Imperial Act, whereas he ventured to think it should have contained some provision regulating the investment of the money during the interval between the time when it was borrowed and the period when it would be required for the purposes of the construction of the railway. He had, however, the greatest satisfaction in stating that the Canadian Government had acted in the most open, candid, and straightforward manner in the matter. In January, 1868, Viscount Monck, the Governor General of Canada, transmitted to the Colonial Secretary copies of the Canadian Act, and expressed the desire of the Canadian Parliament to know whether the terms of that Act fulfilled the requirements of the Imperial Act, and forwarded a letter from Sir John Macdonald, the then Attorney General of Canada, who evidently contemplated the possibility, nay, even the probability, of further legislation on the subject being required. Sir John Macdonald said—

> "The Canadian Legislature will re-assemble on the 12th March, and it is exceedingly desirable that it should be informed that the Act in question has been approved of, or that some further legislation is necessary."

The late Government were by no means taken by surprise upon the question, and, in fact, when the then Under Secretary of State for the Colonies (Mr. Adderley) brought forward the question of the guarantee, he received full and sufficient warning that the appropriation of the loan would be carefully looked to, and of the necessity that existed for security being taken that the money raised under it should be appropriated exclusively for the purpose of the construction of the Intercolonial Railway. What said the Chancellor of the Exchequer (Mr. Lowe) on that occasion? The right hon. Gentleman said that he hoped the House would seriously consider the step they were about to take, and that, if they determined to enter upon that step, they would put into the Bill some very stringent securities to provide that the money spent under our guarantee should be applied to the purposes for which it was voted, and that it should not stick to anyone's fingers in its progress to that charming railway that was to be constructed. Those were truly prophetic words, as he should presently show. And on the same occasion his right hon. Friend the present Prime Minister said that the general system of colonial guarantees had come into just discredit within the walls of Parliament. He (Mr. Monk) would ask the right hon. Gentleman whether there was any mode of bringing colonial and other guarantees into greater discredit than by a disinclination on the part either of those who give, or of those who receive, a guarantee, to be guided by the spirit and letter of the Act, providing for the appropriation of the money so guaranteed? He did not think that proper care had been taken for the expenditure of the money in the mode directed by the Imperial Act. He found no sufficient provisions in the Canadian Act for the proper custody and expenditure of the loan. He sincerely hoped he was wrong in his conclusion; but he feared he was right in the view he took of the conduct of the Commissioners of the Treasury in 1868. It was their duty to have taken care that the money should be expended in the mode intended by the Legislature. They had absolute control over the matter, and if they had thought the Canadian Act insufficient to afford the security needed they could have asked for further legislation. The Government did not do so, and what had been the result? The Finance Minister, Sir John Rose, as soon as he found himself in possession of funds, set to work most vigorously, and, he must add, most successfully to reduce the Canadian Debt, and from his own figures it appeared that more than one-half of the loan was so applied. Out of $10,280,000, the proceeds of the loan, three-fourths of which were guaranteed by this country, $5,536,538 were applied in reducing the Debt of the Dominion, and of the remainder $1,500,000 were temporarily invested with the Bank of Montreal. These were the moneys which were to be kept exclusively for the railway works, out of which—and out of which alone—the contracts were to be paid for the works executed on the railway. Sir John Rose now said that the Debt of the Dominion was really paid out of the Treasury balances, because, except during a short period in the quarter ending September, 1868, there was sufficient money in the Treasury for the purpose, without trenching upon the guaranteed loan. But this was not the meaning of the Minute of the Privy Council of Canada of the 27th of August, 1868, which stated that the Debt should be paid out of the money received on account of the Intercolonial Railway Loan; and Sir John Rose in his Budget speech in May, 1869, observed there would be available for recouping the Intercolonial Railway Loan certain special credits, savings-banks deposits, receipts from insurance companies, and Great Western debts in bonds specially set apart, amounting in all to $5,754,901. He thought he might safely assume that the Lords Commissioners of the Treasury in 1868 would scarcely contend that it was the intention of Parliament that the money raised under its authority should be used in paying off even temporarily the Debt of the Dominion, with the contingency of its being recouped out of savings-banks deposits and Great Western Railway bond debts. Such at least was not his opinion, and such certainly was not the opinion of the present Law Officers of the Crown as set forth in the Papers before the House, in which they informed Lord Granville—

> "That we regret to be unable to advise that the investment of the money under the Minute of the Privy Council of Canada is in conformity with the Imperial Act of 30 and 31 Vict. c. 16. We think that it was not the intention of the Imperial Legislature that the money should be *invested* at all; it was to be appropriated or set aside. . . . We think that the spirit and intention of the Canada Railway Loan Act, 1867, has not been complied with."

Shortly before the Easter Recess he (Mr. Monk) called attention to a telegram received from Ottawa to the effect that the Finance Minister of Canada had stated that the Canadian Government intended to disregard the opinion of the Law Officers of England as to the appropriation of the Intercolonial Railway Loan. The Under Secretary for the Colonies at that time said that he had received no intimation of such an announcement. But, on looking over the Papers, which had lately been laid upon the Table, he (Mr. Monk) found that Sir Francis Hincks, the present Minister of Finance, admitted that some such expression had been used by him, and he attempted to justify it by saying that it was not possible to act in accordance with the opinion of the Law Officers. It would, no doubt, be felt that such a statement made by a responsible Minister of the Dominion in his place in Parliament was one of grave importance as affecting the relations between Canada and this country. But he should leave it to his hon. and learned Friends to defend their own opinion, which Sir Francis Hincks had so gravely called in question. If that opinion were of any value, he was sure that no hon. Member would maintain that the temporary investment of the money raised by loan under the guarantee was such an appropriation as was contemplated by the Imperial Act of 1867. He did not throw blame upon the Canadian Government. On the contrary, he believed that the Minister of Finance had kept within the letter of the law, though he could not agree with him that the loan had not been used in redeeming the Dominion Debt. Such an assertion, he thought, was not in accordance with the Memorandum submitted by Sir John Rose to the Privy Council in August, 1868. It savoured of something like an after-thought. He did, however, agree with him in considering that, owing to the action of the Lords Commissioners of the Treasury in 1868, the expenditure and appropriation of the loan rested with the Government of Canada under the Colonial Act, 31 *Vict.* c. 13. He could not, at the same time, acquit the Commissioners of the Treasury of blame in the matter. In February, 1868, they signified their approval of an Act which did not fulfil the requirements of the Imperial Act of 1867, and they must, therefore, be held primarily responsible for the temporary misappropriation of the money which had unfortunately taken place. The hon. Member concluded by moving his Resolution.

Mr. WHATMAN, in seconding the Resolution, said, he fully agreed in the opinion expressed by the Law Officers of the Crown, and he thought that if the House inquired into the past history of Canadian railways an additional reason would be found for caution with regard to this loan. The Grand Trunk line of Canada had proved most injurious to those who had embarked their money in it; and, at the time when this guarantee was given by the Imperial Legislature it was understood that none of those who had either managed or mismanaged the Grand Trunk line would have any part in the management of the Intercolonial line. It appeared, however, from the Papers that that understanding had been departed from.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the provisions of the Act of the Canadian Legislature, 31 Vic. c. 13, do not satisfactorily fulfil the requirements of 'The Canada Railway Loan Act, 1867,'"—(*Mr. Monk,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. MONSELL said, he must remind the House that the question raised by the hon. Gentleman who last addressed it with regard to the Canadian railways had nothing whatever to do with the Motion. He was happy to find that the hon. Gentleman the Member for Gloucester (Mr. Monk) disclaimed any intention of throwing any sort of imputation upon the honesty or straightforward conduct of the Government of Canada on the subject. The hon. Gentleman discharged a very useful function in looking with a jealous eye to the giving of Imperial guarantees to our Colonies, and calling the attention of the House to the subject. Nobody could feel more strongly than he (Mr. Monsell) did that the principle enunciated by the late Government with reference to them should not be departed from, except for very especial reasons; but he thought the hon. Gentleman had been led by his zeal somewhat too far in the present instance, and had, in consequence, taken a somewhat unfair view of the conduct of the Canadian Government.

Mr. MONK explained, that he had brought no charge against the Canadian Government. He held them to be wholly blameless. All they had to look to was the Canadian Act for the appropriation and expenditure of the loan.

Mr. MONSELL said, that was what he understood the hon. Gentleman to say—that he thought the Canadian Government had acted wrongly in certain instances in the appropriation of the money. But the Papers to which the hon. Member had referred showed distinctly that the Canadian Government had provided that there should be a fund applicable in its entirety and at any moment to the object for which the loan was destined—that was to say, the funds raised under the Imperial guarantee were strictly appropriated for the construction of the Intercolonial Railway; and further on there was a Minute by Sir Francis Hincks, stating that at that time there were $5,733,763 of the Imperial guaranteed loan unexpended. He understood there were now only about $5,000,000, and of that amount there was in the Bank of Montreal, to be drawn as required, a sum of $4,799,784, and on Indian Bonds in London $681,333, making in all $5,481,117 appropriated strictly for the purpose in question. Further, there was on deposit at call in the Chartered and other banks a sum of $1,814,769; but the two first sums were more than sufficient to cover the unexpended capital guaranteed. His hon. Friend would, therefore, see that up to the present time the Canadian Government had faithfully discharged their obligations to this country. They had proceeded with the railway as rapidly as they could, and they would, probably, have the whole line finished in 1872, having had to overcome great difficulties in the accomplishment of the task. With the conduct of the Canadian Government under those circumstances he saw no reason to find fault. He came, then, to the only serious question raised by the hon. Member's Motion—namely, whether the Canadian Act satisfied the requirements of the Imperial Act. His opinion was that it did. He had taken the advice of the Law Officers of the Crown—and, besides, had availed himself of the best advice he could obtain at the Colonial Office—and their opinions were, there was no divergence whatever between the two Acts. He did not think it was necessary to go through all the various clauses of the Colonial Act to establish the justice of that view. The Canadian Act in every particular went *pari passû* with the Imperial Act, and fulfilled every one of its requirements, in most cases adopting its very wording. The hon. Gentleman had failed to point out a single particular in which the Canadian Act did not meet the requirements of the Imperial Act. All the Act required was that the custody and appropriation of the money should be carried out; but it was the opinion of the late and the present Governments that the mode in which it was to be done should be left to the Canadian Government. Whether it was a wise or an unwise course to adopt it was not for them then to discuss; but it was clear that that was what had been done. He submitted that it was impossible for the House to adopt the Motion, and, under the circumstances, he hoped his hon. Friend would not divide the House upon it. He seriously regretted that any question should have been mooted at the present moment which appeared to raise any controversy with Canada. Bearing in mind her recent gallant conduct, it would, he thought, be scarcely wise or judicious—in fact, it would be ungenerous, to raise any such question. He maintained that the terms of the Motion had not been substantiated, and that the Canadian Act faithfully carried out the words and intentions of the Imperial Legislature.

Viscount MILTON said, he found at page 23 of the Canada Railway Loan Papers a paragraph which stated that the learned Gentlemen to whom the question was submitted were of opinion that it was not the intention of the Imperial Legislature that the money should be invested at all; but that it was to be appropriated, or set aside, and that, in their view of the matter, the only sort of investment within the provision of the Imperial Act would be one the value of which did not fluctuate, and which was convertible at any moment without loss; and, further, that they did not think the Guarantee Act of 1867 had been complied with. To that opinion was appended the names of the present Attorney and Solicitor General. He thought that opinion was hardly consistent with what had fallen from the right hon. Gentleman the Under Secretary for the Colonies.

THE ATTORNEY GENERAL said, that the opinion of the Law Officers, which had been quoted by the noble Lord (Viscount Milton) had no bearing at all on the question under discussion, but referred to a suppositious case. The present Motion was to the effect that the provisions of the Act of the Canadian Legislature, 31 *Vict.*, c. 13, did not satisfactorily fulfil the requirements of the Canada Railway Loan Act, 1867. If the opinion of the Law Officers was referred to, it ought to be borne in mind that the case on which it was given stated that the Act 31 *Vict.*, c. 13 was passed in due form. That statute was in operation, and it might be assumed that it fulfilled the requirements of the Imperial Act. The opinion of the Law Officers was not given on that point for the simple reason that it was not asked. He must say that, as a rule, it was not very convenient to publish the opinions of the Law Officers, who are, in fact, private and confidential Advisers of the Government. They gave their advice on dry questions of law and not of policy; and the Government having received their opinion decided whether they would act upon it either to the full or to a modified extent. He had always understood it to be the rule that these opinions should not be published; but, however this might be, the opinion just referred to had no bearing on the question before the House.

Motion, by leave, *withdrawn.*

COUNTY GOVERNMENT—RESOLUTION.

MR. CAMPBELL, in rising to call the attention of the House to the subject of County Government and to move, That, in the opinion of this House, the principle of representation ought to be applied to the government and financial administration of counties, said, that this question was a very difficult one to bring forward in that House, as the great bulk of those whom he was addressing were members of the body to the constitution of which he was about to take exception. It was not his intention, however, to find fault with the manner in which the Magistrates in England, the Commissioners of Supply in Scotland, or the Grand Juries in Ireland transacted the financial business of the counties, and protected the interests committed to their charge. Indeed, he believed the country owed a debt of gratitude to them for the spirited way in which they devoted their time to the public service. He could not, however, reconcile himself to the system under which they worked. It might, perhaps, be objected that the subject of the present Motion was being investigated by a Select Committee upstairs. To this he would reply that his Motion embraced both Ireland and Scotland as well as England—although it was not his intention to say anything about the state of affairs in Ireland, for the simple reason that he had no personal knowledge of them. Besides, the reference to the Committee presided over by the President of the Poor Law Board did not cover the whole subject to which he desired to direct the attention of the House. That Committee was appointed to inquire whether the expenditure and charges locally imposed upon the occupiers of rateable property should be divided between owners and occupiers, and what changes in the local bodies administering the rates should follow such division; whereas his Motion did not relate solely to financial matters, but also to the government of counties. There had been many attempts to legislate upon the former subject. In 1836 and 1837 the late Mr. Hume brought in Bills in reference to it, and since then Bills had been introduced by Mr. Hume, Mr. Milner Gibson and Mr. Wilde. Those measures had not been satisfactory to those who sat on his side, because they allowed a certain portion of the Financial Board to be composed of Justices of the Peace, leaving a small portion to be elected by the Board of Guardians. Last year the hon. Member for Sandwich (Mr. Knatchbull-Hugessen), on behalf of the Government, brought in a Bill founded on the recommendations of a Select Committee, by which the elected members would have numbered one-sixth of the *ex officio* members. All these proposals, however, fell short of what was absolutely required. He did not dwell upon this subject, however, for he believed that it was now generally admitted that taxation and representation should go together; but he (Mr. Campbell) asked the House now to go farther, and to pronounce an opinion in favour of intrusting the government as well as the financial part of the administration in counties to those whom they were not afraid to trust in regard to Imperial matters and the control of the national expenditure. Foreign critics expressed their surprise that, in a country which valued representative institutions so much, the inhabitants of the rural districts were left without any voice in their own affairs; and our want of municipal organization was deplored by the right hon. Gentleman the Vice President of the Privy Council when he introduced his Education Bill. What he (Mr. Campbell) desired was to see municipal institutions created all over the country districts. He could not see any reason why we should not have in every county an elective body corresponding exactly to a town council, imposing its taxation, controlling its expenditure, electing its officers, and, if necessary, framing a code of regulations for its government, subject to the sanction of Parliament. It might be said that that was a Utopian theory. But it had been realized in practice in the United States and Canada —where, in varying forms, municipal government existed everywhere—and in still greater perfection in Australia in the system of shire councils. In France also—although it had degenerated in the hands of successive Governments, there still existed a uniform and homogeneous system of local self-government. The system of local government established in France after the Revolution would have been one of the most perfect in the world if it had not been subsequently corrupted and distorted. In all these countries there was no distinction between country and town. But we need not go abroad for instances; how was it originally in our own country? The Roman system of town communities, in which every free man had a vote, was adopted in this country by the Anglo-Saxons. The Normans endeavoured to upset it, and to place bailiffs over the towns and viscounts over the counties, and they succeeded with the counties; but the towns purchased the right of self-government by paying a higher revenue and undertaking to collect it themselves. Up to the time of Edward III., justices, or, as they were called, conservators of the peace, were chosen by the freeholders assembled in the County Court, and it was by a statute in the first year of his reign that the mode of appointment was changed, and magistrates were appointed by commission of the Sovereign. Therefore, at one time magistrates were directly responsible to the ratepayers whose affairs they managed. The high sheriffs, similarly, down to the 9th year of Edward III., were elected directly by the freeholders; but the coroner was now the only elected officer of the county. A totally different system prevailed in Scotland, where the magistrates had nothing to do with the affairs of counties, which were in the hands of Commissioners of Supply, who were, no doubt, to a certain extent, representative, being proprietors of land of the yearly value of £100. It was by a section of the Reform Act of 1832, that the management of all county matters was taken out of the hands of the county constituencies, and placed in those of the large owners of property; and now there was no representation whatever of owners of land under £100 a year in value. Recently he moved for a Return which showed how small a proportion those who were qualified to act as Commissioners of Supply bore to those who possessed the property qualification to vote for Members of Parliament. In Orkney the proportion was 36 to 498; in Stirling it was 148 to 1,507; in Fife, 234 to 2,895; and in Lanark, 451 to 4,390. In Clackmannan there were 826 proprietor voters and 34 Commissioners; and in Bute 455 proprietor voters and 17 Commissioners; but of the last number eight were *ex officio*, and three were factors, or duplicates of proprietors. In the whole of Scotland the Commissioners were 12 per cent of the proprietors, and a little more than 5 per cent of the total number of voters. In Scotland, it must be remembered, the county assessment was not laid as in England, for the taxes were wholly levied on the landlords; but, without going into the subject of the incidence of taxation, he thought he had shown, at all events, that in Scotland all proprietors under £100 were unrepresented. In addition to that, the Commissioners of Supply disposed of the grants made by the Exchequer in aid of the local contributions—as, for instance, the sums sent towards the pay and clothing of the police. He had not a word to say against the mode in which the financial part of the duties of those gentlemen was discharged, their general fault, both in England and in Scotland, being that they were too frugal; and he believed that if they derived their authority directly from the ratepayers they would have more courage to indulge in expenditure, which was frequently much required. He had obtained Returns not with any expectation that they would show mismanagement, but in order that the House might have information about Scotch affairs similar to that which was annually presented for England. The Commissioners of Supply, however, did not confine themselves to financial matters, but held a meeting every April, at which, after transacting their ordinary business, they took into consideration all pending legislation affecting Scotland, and many Bills relating to Imperial matters. They were very much given to sending up Petitions; but it generally happened that the Members for the Scotch counties voted directly contrary to the views expressed therein; and by so petitioning the Commissioners caused much irritation, and their conduct tended to widen the existing breach between landlords and tenants. Within a month an hon. Member, after presenting a number of Petitions, sent up by the Commissioners of Supply, in the name of the county he represented, was obliged to add, in a stage whisper—"From the prayer of all which I entirely disagree;" and another hon. Member assured him that, in any case of doubt, he found it a safe rule always to vote against the Commissioners. While on this matter he wished to point out to the Lord Advocate that as regarded his Game Bill, there was an ill-omened unanimity of opinion in its favour on the part of the Commissioners, which was an indication of the unfortunate feeling that existed in reference to that subject. Last Session, again, there was a Bill before Parliament relating to Education in Scotland; there was a great race to get it through, yet, at an early stage in the House of Lords, its progress was delayed in order that these county meetings might pronounce an opinion upon it. He now came to the case of the Lords Lieutenant. In England, as well as in Scotland, the Lord Lieutenant was the highest officer in every county. Lords Lieutenant were not appointed until the reign of Henry VIII., they being—according to *Blackstone*—representatives of the Crown, "to keep the counties in military order." It was their duty to preserve the peace; but practically that duty was intrusted to much humbler functionaries — the heads of the police in each district, who had, in that respect, usurped the Lord Lieutenant's functions. That was, so far, a change in the right direction; but he (Mr. Campbell) contended that the officer in charge of the local constabulary ought to be held even more directly responsible to the householders and ratepayers. All that was left to the Lords Lieutenant was patronage. Their functions were purely nominative. They recommended persons to Her Majesty for the commission of the peace. He could not conceive a more unfortunate channel for the appointment of magistrates, for whatever else a Lord Lieutenant might be, he was always either a Whig or a Tory. He was, no doubt, always an estimable and honourable gentleman; but he was selected for the appointment not merely on account of his character, but also on account either of his family interest, or his property, or his party services, or the rigidity and primeval derivation of his family politics. There could be no worse reason for the appointment of magistrates than political influence. It was known that in many cases the Lord Lieutenant exercised his functions with impartiality; but the system was unsound and unconstitutional. The Lords Lieutenant also appointed to commissions in the Militia and Volunteers, and three-fourths of Army reformers were anxious that that power should be taken out of their hands; for they were of opinion that the Militia should not be made a plaything of local magnates, but should be an integral part of the Army, and the first line of an Army Reserve. No one would accuse Members on the

Benches near him of being advocates of an increase of the military force of the country; but they thought that if there were to exist an Army and Militia, they ought to be formed into an efficient machine, so that all the parts should properly fit into each other. This could not be the case so long as local jealousies affected the appointments to commissions in the Militia, and so long as those appointments were made on other grounds than fitness. But the Lord Lieutenant had so much to do that he had to appoint deputies to assist him. The Lord Lieutenant's duties being practically confined to the exercise of patronage, it became a question what was the *raison d'étre* of the Deputy Lieutenant? He (Mr. Campbell) had no objection to an honourable local rank being assigned as a reward for public service; but he protested against its being granted by an irresponsible authority, not amenable to public opinion. He must apologize for having trespassed so long on the time of the House. The only ground upon which the changes he advocated could be opposed was that of expediency, and upon it he would address two considerations to the House. The first was connected with what he would call the educational effect it would have upon the people. He was one of those who hoped that the time was not far distant when, by the equalization of the borough and county franchise, and the establishment of electoral districts—changes to which he was glad to hear the First Minister of the Crown say not long since that he entertained no insuperable aversion—the whole nation would be reduced to one homogeneous electoral body. In Scotland the people were ready for the change, but the same was not the case in England, and what was the reason of the difference in the two countries? He admitted that the superior system of education in Scotland for the whole of the people had something to do with the matter, but there was another influence silently at work. In Scotland there was a certain system of Church government established—he did not mean established legally, but established in the hearts of the people—which evoked in every man a certain amount of public spirit by investing him with public duties, and treating him as a man to do and not to be done for, and this system undoubtedly had diffused a large amount of intelligence among the people of the Scotch counties. If such was the result of the small influence derived from the source he had just indicated, he left the House to judge what would be the effect of giving the inhabitants of counties a voice in the management of all their local affairs, and he asked whether it would not be wise to prepare them by such means for a participation in Imperial concerns? In regard to this point he referred to the high authority of M. de Tocqueville, who, speaking of the townships of America, said—

> "Communal institutions are to liberty what primary schools are to learning; they bring it within the reach of the people."

And then he went on to remark that the New Englander, strong in independence, clung to his township because he had a voice in the management of its concerns; he tried his hand at governing society; he accustomed himself to the forms by which alone liberty could advance without revolution, and he acquired a clear conception of his duties and his rights. These were advantages from which the inhabitants of this country living beyond the limits of municipal boroughs were excluded. Could it, then, be wondered at that an English peasant, when he rose by some happy chance to the position of a voter in a Parliamentary election, should fail to comprehend the bearing of great political questions, and should give his suffrage blindly at the bidding of his landlord, his parson, or his powerful neighbour? One word as to the effect the proposed change would have on those who would be deprived by it, if not of power, still of the monopoly of power. Here he anticipated the happiest consequences. While he had no desire to interfere with the legitimate influence due to a man's character and position, he thought the change he advocated would do more than anything he knew to take from individuals the exaggerated conventional importance which was attached to the possession of large quantities of land. What was the inducement for a man to invest all his money in land for which he could obtain a return of only 2½ or 3 per cent? Not getting a fair interest for his money, he must "take it out where he could." There was the enjoyment of visible and tangible possession, there was the charm of country life, the enjoyment of the fields—shortly, however, to be curtailed, for last year year there were three Game Bills in the House, and this year there were five. If they went on this way legislation would be necessary, if only to clear the Notice Paper. But, above all, there was the local possession, the "pomp and circumstance" with which convention invested the great territorial owner. We were so accustomed to this that we failed to recognize it as conventional and artificial. Anything that would check the tendency of land to mass into few hands would be beneficial. There was nothing more disastrous for the country, or for the district, than that large properties should be in the hands of persons unable to do justice to them. Imagine a young man coming into possession of land worth £4,000 a year, but so burdened with debt, as often happened that his disposable income was a mere fraction of that amount. What should he do? Sell half the property? He would at 30 years' purchase receive £60,000, and suppose he paid off his encumbrances, amounting perhaps to £40,000, he would have enough left to keep the remaining half in a good state of cultivation. But then he would curtail his artificial possession of land in the county and lessen his title to the possession of feudal privileges. He (Mr. Campbell) had thus ventured to bring these two points before the House. There were the arguments of analogy, of antiquity, of logical consistency, of common sense, and of right in favour of his Motion; but there was, farther, the argument of expediency. And on this ground of expediency he rested his case on the considerations he had urged. He did not expect that all the changes which he had advocated could be carried out at once; but he asked the House, by assenting to his Motion, to express an opinion that a great and radical change was desirable, and that the direction he had pointed out was the direction which the change should take. The hon. Member concluded by moving his Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the principle of representation ought to be applied to the government and financial administration of Counties,"—(*Mr. Campbell,*)

—instead thereof.

Mr. BRUCE said, that the hon. Member's (Mr. Campbell's) speech had covered a greater extent of ground than was comprehended within the terms of his Motion; but it must be admitted that he had brought forward with great ability many topics deserving the deepest attention. The hon. Gentleman, in the opening parts of his speech, had suggested that his Motion might be met by a dilatory plea, on the ground that a Committee upstairs were considering questions connected with the subject-matter of his proposal. But he was bound to say he would not meet the Motion in that way, being opposed to the main scope of the hon. Gentleman's speech. For his speech did not go simply to recommend some alterations such as had been heretofore suggested with a view to introducing the principle of representation into county affairs in Scotland; it went to a complete alteration of the whole system of administration where municipal government was not in force. It proposed to parcel out the whole country into municipal districts; it proposed to substitute the chief constable of police for the Lord Lieutenant. There was hardly one of the local institutions which had not been attacked by his hon. Friend. Now, he was far from saying that his hon. Friend did not adduce many strong reasons for some of the changes which he recommended. Those who believed in the principle of representation and the good effect it had on the character and intelligence of all who took part in representative government — certainly, the House of Commons—should be the last to deny that the giving a wider scope to that principle would have a happy effect on the national character. So far he agreed with the hon. Gentleman. But if they assented to this Motion they must be prepared to give effect to all those large schemes of local reform which the hon. Gentleman had sketched out in his speech. The hon. Member pointed out what had been done in new countries unencumbered by our long-established institutions; he pointed out what had been done by the great French Revolution, which swept away the old institutions and substituted others which lasted but a short time: and he tendered to the House a somewhat similar system which should be the object of the policy of that House. So far he (Mr. Bruce) was not prepared to go. The

Government had admitted in the gracious Speech of Her Majesty last Session that the admission of the representative principle into the local administration of counties was desirable; and he believed that principle had been assented to on both sides of the House, although there might be some difference of opinion as to the manner in which effect was to be given to it. If Her Majesty's Government had been unable to give effect to their wishes, the House was well aware of the reasons which had interfered to prevent them. The Bill presented last year had been subjected to some criticism by his hon. Friend, and one special ground of objection deserved a passing notice. He said the effect of that Bill was in substance to introduce the representative element to the extent of no more than one-sixth of the whole body charged with the financial administration of the county; but, in point of fact, the popular representatives introduced would, in most instances, through their more regular attendance, exceed rather than fall short of the number of magistrates present, and it was on a full consideration of that point that the scheme of the Government was proposed. This Session no measure was brought forward. Why? Not simply for want of time, but because the whole subject of local taxation — its incidence and the manner in which it should be levied — was to be brought under consideration by his right hon. Friend the President of the Poor Law Board, who had introduced a measure which had been referred to a Select Committee; and on the decision of that Committee must, in a great degree, depend the constitution of County Financial Boards. He understood that evidence which covered the whole subject had been gone into by the Committee. The question how far the rate should be levied from owners and occupiers was one on which the Committee must give their decision; and surely on that decision it must very largely depend what should be the constitution of the future body, and where the electoral power should be vested. That was a sufficient reason for delay on the part of the Government in dealing with that part of the question. He was bound to say, with respect to the other and larger question, Her Majesty's Government were not prepared to propose any large or sweeping changes. The hon. Member said truly that no dissatisfaction had been expressed with the conduct of local affairs by the magistracy in England, or the Commissioners of Supply in Scotland. Undoubtedly, it was a very marked feature of the evidence adduced before the Committee on the subject, that those who were most anxious for change admitted at the same time that the county finance had been economically and skilfully administered by the local magistracy. But the hon. Member called for changes such as would give effect to a great principle. That House, admitting the justice of the principle that large occupiers should have a voice in the expenditure of public money, had cheerfully assented to it; but while the Government were perfectly prepared to re-consider this subject, with whatever light might be cast upon it by the Report of the Committee—while they felt by no means bound to adhere to all the provisions of their former Bill, he could not hold out to the hon. Gentleman that they were prepared to assent to that large scheme which he had developed, and the great changes he proposed to introduce into the local government of the country. It was for that reason that, while declaring their desire to give the fullest effect to the policy held out in the Speech from the Throne last year, and to consider this question, with the fullest desire to increase as far as possible the representative principle in local government, they were not prepared to adopt the Motion of his hon. Friend, and he, therefore, must, with regret, but without hesitation, meet it with a decided negative.

Sir ROBERT ANSTRUTHER said, he entirely agreed with what had been said as to the position of the large occupier in Scotland as regarded his share, or want of share, in the management of county affairs. The occupier in Scotland would compare favourably with his equal in any part of the world. He was generally a man of industry and skill—frequently of scientific acquirement; directly or indirectly he contributed largely to the public expenditure of the county, and yet he had no control in its financial administration. It was true that in some cases the rate was laid wholly on the owner; but in many cases it was laid equally on the owner and occupier, especially in the matter of poor rate, and unless the occupier was placed on the parochial Board by the £20 occupants, he would have no voice in the administration of county finance. He thought it would be a great advantage if occupiers were associated with the Commissioners of Supply. Without derogating from the manner in which the Commissioners of Supply, as a rule, discharged their duties, he must say he thought the large occupiers—men who had occupied the same farms from generation to generation—had a claim, for their own sakes and the good administration of county affairs, to a seat among the Commissioners of Supply. Admitting that claim, as the right hon. Gentleman had done, he hoped the Government would take the whole of this subject into their early consideration.

Mr. M'LAREN said, the Secretary of State for the Home Department had hardly done justice to the Motion of his hon. Friend the Member for the Stirling Burghs (Mr. Campbell), which was in entire unison with the principle laid down in the Speech from the Throne; and no good reason could be advanced why this principle should not now be affirmed. It might be true that some arguments used by his hon. Friend might not be considered very logical; but what they should look to was the Motion itself. As his hon. Friend had explained already, there was not a vestige of representation existing in Scotch counties—although there was a little in England. The Commissioners of Supply were a body a couple of centuries old, dating back to a time when for some special purpose—a war with England, for example—Commissioners were appointed to see that the Supply already voted by Parliament was properly assessed in the county, and paid into the national Exchequer, and to this their name, Commissioners of Supply, was attributable. In the present day, however, no supplies were voted; and therefore they had no duties of this class to perform, beyond laying on the fixed proportion of land tax agreed upon by the Treaty of Union—that was to say, £48,000 for all Scotland. By a mere chapter of accidents it had fallen into the hands of this body of gentlemen to meet together and to regulate all county business. One would suppose from the phrase, "meeting of the county," invariably used with regard to their gatherings, that the inhabitants met in a body, or, at all events, that the meetings were open; but the whole thing was a perfect farce. He had attended some of their meetings in Edinburgh, and found, perhaps, 25 highly respectable gentlemen, who could all be trusted to manage their own affairs honestly and well; but, as representatives of a county which, including towns, contained about 300,000 inhabitants, the thing, he repeated, was a perfect farce. The whole community of occupiers were excluded from any share in the representation, and so were owners of all property less in value than £100 in land and £200 in houses. It was, perhaps, natural under these circumstances that the property of landowners was always found to be assessed upon very low rentals, comparatively speaking. In the Edinburgh journals he found the subject discussed at a meeting of the Town Council a few days ago, and in that discussion it was stated that the paper manufactory of a gentleman, formerly a Member of this House, was assessed at £1,200 a year, while the palace of the Duke of Buccleuch, in which Royalty had been received, was only assessed at £250 a year, and the castle of the Earl of Stair at £150. However just these things might be, they did not look well. Two or three years ago he obtained a Return of the amount derived from the tax upon the inhabited houses; and in the county of Sutherland, although that county included the palatial residence of the Duke of Sutherland, the whole amount of house duty levied was the veriest trifle—less than £50 a year. Facts like these, which were well and widely known, showed that a change in the present system was imperatively required. There had been no improvements in legislation which had not been opposed by these so-called "county meetings," nor would any progress take place in that direction that would not be strenuously resisted by them until their constitution was entirely changed. Reference had been made to the Game Law Bill. Well, the Bill of the Lord Advocate was supported by nearly all these meetings, on the ground that if it were not accepted they would get a worse one. Her Majesty's Government, he thought, could hardly vote against a principle which they had specially recommended to the House in the Speech from the Throne—namely, financial reform in the counties.

Colonel WILSON-PATTEN said, his vote should be given in support of the view taken by his right hon. Friend opposite (Mr. Bruce). He recognized to the fullest extent the claims of the county ratepayers to County Board representation; but before the Committee on the subject of Local Rates, over which he had presided, very considerable difference of opinion existed as to the nature of any change which ought to be introduced; and he thought it was not expedient to raise the question in Parliament, when a Committee of Inquiry into the whole matter was sitting. His vote, therefore, would not be given against the proposition submitted to the House, but in favour of going into Committee of Supply. He was not prepared to speak of finances in Scotland, but as regarded the finances of English counties it was distinctly proved before the Select Committee that little or no complaint was made of the economical way in which county affairs had been administered. Some hon. Gentlemen seemed to expect that great economy would result from introducing the principle of representation into the management of county affairs; but if the question were gone into it would be found, he thought, that the administration of finances in the counties would bear comparison very favourably with the way in which such matters were managed by public bodies in any of the boroughs. There could be no doubt that affairs in counties were more economically administered than in boroughs. He was convinced that wherever the ratepayers as a body demanded the right of immediate representation, no one would be found willing or able to resist the demand; but the whole difficulty of the case was involved in the settlement of the details, towards the consideration of which this Motion would contribute nothing. Without, therefore, going any farther into the question he should give his support to Her Majesty's Government.

Sir EDWARD COLEBROOKE said, he thought that the House, before effecting such a change as that now proposed, should pause and ascertain what would be the probable results. The statements made by the hon. Member for Edinburgh (Mr. M'Laren) were sufficient to excite a doubt as to whether the change would be welcome to the ratepayers for whose benefit it was proposed, and whether they would approve the expenditure which his hon. Friend (Mr. Campbell) advocated. He could not help thinking, however, that it would be wise on the part of the Commissioners not to enter into discussions on general matters, but to confine themselves to the duties for which they were particularly appointed. He would remind the House that, inasmuch as in Scotland taxation for county purposes was placed entirely upon the proprietors, the representation should rest entirely with them; otherwise they would be violating the principle that taxation and representation should go hand in hand.

Mr. KINNAIRD said, that while everyone complimented his hon. Friend (Mr. Campbell) upon the speech he had made, everyone was going to vote against him. He (Mr. Kinnaird) should, however, be an exception. He hoped his hon. Friend would push his Motion to a Division, and thus lay the foundation for a reform the necessity of which was generally admitted.

Sir WILLIAM GALLWEY said, he thought the Motion was unseasonable, but he felt compelled to say that while he did not place the slightest confidence in Her Majesty's Government in relation to this question, he placed, if possible, less confidence in the right hon. Gentleman the Secretary of State for the Home Department than he did in the collective body of the Ministry. The question had been most thoroughly discussed by the House when brought forward by Mr. Milner Gibson many years ago, and nothing would now be gained by the investigations of a Select Committee. Some three years ago a Bill was introduced on the subject, when hon. Gentlemen on the other side were sitting on the Opposition Benches, and the right hon. Gentleman the Secretary of State for the Home Department and the right hon. Member for Bradford (Mr. W. Forster) smothered it with civil words and sent it upstairs to a Committee, where it was delayed for the Session. If it had been considered in a Committee of the House it would now have been the law of the land. A Bill was brought forward the following year; but it was treated with something like contempt, having been committed to the charge of an Under Secretary, while measures of not half the importance were taken in hand by Cabinet Ministers, and it was soon found that it was impossible to pass the Bill. It was the general opinion that that Bill was a perfect sham. He would give one word of advice to Chambers of Agriculture, and it was that they should impress on their county Members the necessity of sinking party differences when questions affecting their interests were at stake. He regretted that the hon. Member (Mr. Campbell) should have introduced extraneous matter in his speech, but if he went to a Division he would support him. He wished to know from the Secretary of State for the Home Department whether the right hon. Gentleman would undertake early next Session to introduce a Bill to settle this question of Financial Boards.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 61; Noes 39: Majority 22.

Main Question proposed, "That Mr. Speaker do now leave the Chair."

COINAGE CONTRACTS.

OBSERVATIONS.

Mr. MUNTZ, who had given Notice to call the attention of the House to the statement made by Mr. Chancellor of the Exchequer with regard to intended operations at the Mint; and to move, That Government manufactories are injurious to the commercial classes and a burden on the taxpayers; and that it would be unseemly that Her Majesty's Government should compete with commercial firms for contracts with foreign Powers, said, he was quite aware of the peculiar position in which he was placed in consequence of the Division which had just been taken; but the subject he wished to bring before the House was of great importance, and could no longer be deferred. He had not intended to call attention to the subject of Government factories this Session; but the statement of the right hon. Gentleman rendered it necessary that the public should know something of the views of the Government on the matter. In the earlier part of the Session a Question had been put by his Colleague (Mr. Dixon) to the right hon. Gentleman with reference to certain recommendations in the supplementary part of the Report of Messrs. Fremantle and Rivers Wilson on the Mint. He would assume the accuracy of the report of the right hon. Gentleman's reply, which he took from *The Times*, and which, in effect, was this—"We are prepared to contract with foreign countries, and to undertake the execution of coinage for them." The Report on the Mint to which he had referred was presented to the House on the 11th of February, 1870, and it bore on the back the name of his right hon. Friend the Member for Halifax (Mr. Stansfeld); but he was sure his right hon. Friend had never read it, or it would not have received the sanction of his name. It was to the Supplementary Report that he wished to call particular attention. That document contained this passage—

> "One other point remains to be noticed, namely, that there would appear to be no reason why the Mint should, as has hitherto been the case, refuse to undertake the execution of coinages for foreign Governments. Many contracts for foreign coinages have of late years been executed at Birmingham, with large profits to the contractor; and it is obvious that the Mint, with the appliances at its command, and the risk to which it may at any time be exposed of being left unemployed, could with advantage undertake such contracts."

It then went on to say—

> "Coinages for foreign Governments are undertaken by some of the Mints in other countries. A coinage for Roumania and another for Egypt have recently been struck at the Paris Mint."

And it thus concluded—

> "We would recommend that for the future, should any offer be made to the Mint to undertake a coinage for a foreign Government, the Master of the Mint should report the circumstances to the Treasury, and should be empowered to make the necessary arrangements for executing the work."

Now, he should like to know how the gentlemen who signed that Report had ascertained that private contractors had made large profits of late years by executing coinage contracts for foreign Governments at Birmingham. He was assured by one large house at Birmingham that no clerk or other person in their employment did or could know what their profits from coinage had been—that they themselves had made the estimates and could alone tell that: that the statement in this respect was probably based on Returns derived from the officers of income tax; but that even in that case the information thus obtained was delusive, because coinage work was only a small part of their business, and the Income Tax Returns could not by any possibility give any real clue to the amount of their profits upon that particular branch of their operations. He, however, did not think that the Government would sanction any such system of spying out the profits of manufacturers from these Returns. [Mr. GLADSTONE: Hear, hear!] Therefore, that assertion contained in a document presented to Parliament had not the slightest foundation. Moreover, there were great fluctuations in the price of the raw material of coinage, and he had known copper in particular—which formed a very large proportion of our coinage—to vary in a comparatively short period from £70 to £140 per ton. Therefore, it was quite a commercial speculation—and a very dangerous speculation too—to enter into large coinage contracts, running over a considerable length of time, without the possibility of knowing beforehand whether the cost of the raw material might not undergo a very serious advance, entailing upon them an enormous loss. Yet that was the hazardous kind of commercial speculation in which the Chancellor of the Exchequer was about to embark. Then, with regard to the appliances at the command of the Mint, it might be thought by some that they were very great; but he could tell the House, having himself inspected that establishment, that the Mint was 50 years behind the times, and that one firm alone could turn out as much coinage in a single day as the Mint could do in a week. He had not been there for some years, to be sure, and it might have improved since; but at the time he was much amused at the backward state of the appliances there. As to the risk to which the Mint might be exposed of being left at any time unemployed, it was true that the amount of work to be done varied enormously in the course of the year and from one year to another. It had been as low as £49,200 in one year, and as high as £11,800,000 in another. The Chancellor of the Exchequer would not like the Mint to be standing still. But how did the private manufacturers manage matters? He (Mr. Muntz) had gone through the accounts of one eminent firm engaged in coining—the firm of Messrs. Boulton and Watts—and he found that the average period during which their coining appliances had stood still for the last 10 years, was 10 months in the year. And how was that met? Why they had other large operations to carry on besides coinage, and when they had no coinage orders to execute the machinery and men were transferred to the other manufactures carried on by their firm. But Her Majesty's Mint was intended for coinage and for nothing else. But suppose our Mint, entering into a rivalry with the Birmingham trade, were to undertake large contracts for the Brazilian, the Italian, or any other foreign Government, and were to be subject to heavy penalties for any delay in their execution, and suppose, also, that a demand suddenly sprung up for coinage at home — the demand in 1857 rose very suddenly, and the Bank was at that time in great fear that the Mint could not coin fast enough for their necessities—in what a dilemma would the Chancellor of the Exchequer be placed! He would have to seek for more men and to increase his machinery. The Mint at Paris did not belong to the Government. The whole of the coinage for the French Government was done by contract; and if the Chancellor of the Exchequer would let the Mint in London to a contractor, taking proper security, he should have no objection to contracts being made with foreign Governments. The Belgian Government had their coin made on the same system. In both cases the contractors were bound in heavy penalties to supply the Government with all the coin they required. The contractors were at liberty to make coins for foreign Governments; but they had themselves to find security for the due fulfilment of their contracts, as had the private manufacturers in this country. The penalties were very considerable. In the case of the last coinage for Italy, the penalty for non-fulfilment of the contract was 500,000f., or £20,000; in that of the last coinage for Brazil it was £30,000; and in the case of a small coinage for Calcutta—the making of which was given by Her Majesty's Government to a private manufacturer—it was £8,000. Now, if Her Majesty's Government took to competing with private manufacturers, he supposed the latter would not receive any compensation in the shape of a drawback of income tax; but, putting that consideration aside, where were the penalties to come from, should any be incurred by the Government as manufacturers of coin for foreign States? He supposed there would appear in the Miscellaneous Estimates Votes "for loss on copper" and "loss on penalties." Then, when the Government had to ship coin there would be insurance and other charges. Was it seemly on the part of the Government to enter into such matters—to become commercial speculators? He ventured to think it would be derogatory to the dignity of the Government. The proposition of the Chancellor of the Exchequer was a species of financial seduction. All these Government manufacturing establishments began in this way, by small degrees. They began by false pretences; they were worked by fictitious means; and they ended with breach of faith. In 1806 the Government established a manufactory for guns, which was almost immediately abandoned. In 1808 they formed another gun factory, at Lewisham, which was kept up until 1815, when, after costing the country £430,000 for buildings and plant, it was also abandoned. During the Crimean War the Government factory did not turn out a single weapon, and 25,000 were obtained from America, but were not delivered. The Government had also to go to Liége, but received no guns until after the war was over. The Enfield factory was originally established in 1854 as a mere experiment. If the gun trade that now existed in the centre of the kingdom were destroyed, what should we do in time of need when we required a large number of guns to be produced at short notice? He maintained that the Enfield establishment was the result of a breach of faith. Lord Panmure, in reply to Mr. Scholefield's complaint of the injury that was being done to the Birmingham trade, had repudiated the idea that the establishment at Enfield was intended to manufacture the weapons required by the Army, and stated that the intention was only to try experiments there and make a few guns as a check on the private manufacturers; whereas now an enormous number of guns were made there, and the cost was charged in the Army Estimates. The result had been that we were now paying large taxes for the purpose of destroying a very important branch of the trade of this country. With respect to Woolwich, there was a Vote in 1849 of £141,000 for all wages, but now that charge was quadrupled. In fact, there seemed to be no end of experiments, the cost of which was saddled upon the taxpayers of the country. The Pimlico establishment had become a vast tailoring undertaking, and he would point out that that manufactory might with equal justice enter into a contract to supply foreign Governments with ready-made clothing as that the Chancellor of the Exchequer should enter into contracts to supply them with coin. If the State were to become a dealer in guns and coin, why should it not enter into the copper trade, and seek to supply foreign countries with copper sheathing. Why should it not enter into the cotton and other branches of trade, and become a general merchant? Of course, if there were a profit upon these transactions it was immediately said—"See how clever we are;" whereas if there were a loss upon them the country paid it, and was none the wiser. It was impossible to ascertain from the Government accounts whether a profit or a loss accrued from these establishments; because deterioration of stock, breakage, and other matters of great importance were not taken into consideration in them. If the whole country were turned into one vast Government workshop there would be nobody left to pay the rates and taxes. It had been the fashion of late to condemn contracts entered into with private firms; but all he could say was that the conditions of contracts that had been offered by the Government were such as no respectable firm would have looked at. The matter was of such importance that he had not thought himself justified in withdrawing it, though he would not go to a Division upon it. He was desirous to elicit some expression of opinion upon the subject from the Chancellor of the Exchequer. He was told that a Commission, composed of some of those gentlemen who had nothing to do, was about to make a tour on the Continent to visit the foreign Mints. No doubt they would have a pleasant time of it—possibly in company with their wives and families; but he could assure the Chancellor of the Exchequer that he could get all the information he desired within 100 miles of the Mint. Thanking the House for the patient hearing afforded him, he must conclude by once more protesting against the whole system of Government manufactures as being alike injurious to employers and workmen, and giving endless occasion for complaint on the part of the taxpayers; and he particularly objected to the Government making use of their plant and offices and the public money to enter into competition with private manufacturers, insuring great loss if not ruin to those manufacturers, at the same time that no one was benefited but the public officials.

Mr. WHEELHOUSE said, that one matter had been forgotten by the hon. Member for Birmingham (Mr. Muntz). He could recollect something about the Maria Teresa dollar which was coined at or about the time of the Abyssinian War; and, in his judgment, it was very desirable that the circumstances connected with that transaction should not be forgotten. He wished to direct the attention of the House to that which he might denominate the *corpus* rather than to the Preamble of the present Motion. Government manufactures, he believed, except on an extremely restricted scale, must always be and were injurious to the commercial classes, because they inflicted a burden on the taxpayers. Consequently, it was unseemly, to use the mildest expression, for Her Majesty's Government to compete with private manufactures in regard to foreign Powers. The present discussion had been almost entirely confined to the Preamble of the Motion, the question of coinage, and the interests of Birmingham; but, in point of fact, a much larger subject was involved. If the principle to which he had adverted were established, not only Birmingham, but Manchester, Leeds, and every other large trading community in the country, would suffer greatly in consequence of the factories and the dealings of the Government. By that means, and to that extent, he considered the Government entered into the speculations of trade, with this difference, that for the purpose of carrying on such operations, public money must be used in derogation of the interests of those who contributed it. That such a state of things would be injurious to all our commercial relations and prospects was as clear as the sun at noon. With regard to arms, there might be a question as to how far the institution at Enfield was necessary as a check upon trade transactions elsewhere. He felt, convinced, however, that the effect of the operations at Enfield had been very largely exaggerated, and even in experimentalizing, it was necessary that the Government should not come into adverse competition with the private trade of the country. It would be a grievous error for the Government to apply the rates and taxes to the creation of a fund to enable them to enter into competition with the private firms which paid those rates and taxes. Such a principle, if carried out, would result in the annihilation of some private trades, especially as the Government were placed at a great advantage over individuals, because they could obtain the earliest and most reliable intelligence on commercial subjects. The House ought to feel itself extremely indebted to the hon. Member for Birmingham for his having brought forward this question, and, for his own part, he regretted there was no opportunity of going to a Division on the general principle it involved. As the representative of a very large commercial community, he had heard but one feeling expressed on the subject of Government competition, and he was prepared to give the Motion his most cordial support.

Mr. M. CHAMBERS said, he wished to warn the House against this Resolution, which was one of the most insidious which had been presented to Parliament for a long time past, for it commenced with an attack on what had been proposed by the Chancellor of the Exchequer, and next endeavoured to make hon. Members parties to a general proposition in which he for one trusted they would never acquiesce. Commercial communities, like all other persons, always desired to promote their own interests. That, indeed, was the weakness of all of us. We lived in a world where every man wished to serve his individual, his trading, or his professional interests; and endeavoured, when they clashed with the interests of the Government, to make out what the lawyers called a "case." His hon. and learned Friend (Mr. Wheelhouse) said—using an expression to which equity lawyers were much attached—he liked the *corpus* of the Motion, but that was merely a peg on which to hang a very strong Resolution. The first part of the Motion was "to call the attention of the House to the statement made by Mr. Chancellor of the Exchequer with regard to intended operations at the Mint." This, of course, was quite legitimate; but now he came to his hon.

Friend's insidiousness. The Resolution was an attack upon a system which he (Mr. M. Chambers) hoped would last for many years, because Great Britain itself would not last unless that system were maintained. When he looked at the Resolution he found it one of the most serious ever presented to the House of Commons, and when he observed the small number of Members present at that moment he was struck with its occasional indifference, laziness, and negligence upon matters of the greatest interest and importance. The insidiousness of the Resolution lay in the declara- that "Government manufactories are injurious to the commercial classes and a burden on the taxpayers." He asserted, on the contrary, that Government manufactories were not injurious to the commercial classes, but that they were exceedingly useful to the honest commercial classes, and a saving to the taxpayers. His hon. Friend (Mr. Muntz) told the House that honest firms would not contract with the Government on account of the stringent conditions put into their contracts. But what a fearful censure it was upon the whole commercial community to say that they had not attained the confidence of the Government. He (Mr. M. Chambers) went further, and said that commercial firms had not attained the confidence of the country, and that, whether they entered into private or public contracts, it was found necessary to insert the same rigorous conditions and exercise the same watchful supervision. He had always been a friend to the commercial community, and he wished to elevate them and give them self-respect—but commercial men were in error when they asked that Government manufactures might be abolished, under the idea that thereby their own interests would be promoted. The competition upon which the Government entered was not a competition for the manufacture of articles of general and domestic use, but of those necessary in a state of war; and where could his hon. Friend find any nation, ancient or modern, destitute of Government manufactories for equipping and setting forth an army or navy in time of war? The hon. Member for Birmingham said little about the Mint, but maintained that the House ought to abolish all Government manufactories. Now, he should like to take the House back to the last great war, when our military forces were armed with "Brown Bess" from Birmingham. If the hon. Member would consult with some yet living who were engaged in the Peninsular War and at Waterloo, he would find that the muskets sent from Birmingham under the pressure of war were most disreputable and destructive weapons—destructive, not to the enemy, but occasionally to those who had to fire them. It was upon record that the men's shoulders were so bruised by the recoil that they refused to fire these muskets. The consequence of their unfitness for use was much loss of life and very great suffering. When the Government were driven to the necessity of going to private manufacturers they raised their prices, and too often produced an inferior commodity. That was trade. When, also, the Government had relied upon private manufacturers it was found that they failed them. It was fortunate that before the Crimean War the Long Armoury in the Tower was burnt down with 20,000 stand of arms, for everyone said they were useless weapons, and that there was after the fire a probability that the Government would get good ones in their places. When the war broke out we could not get served with what we wanted in Birmingham, and we were obliged to go to Liége and endeavour to obtain a quantity of arms there. [Mr. Muntz: You never got any.] Well, we tried to get them; and it was, at all events, quite clear that Birmingham could not supply us at the time. Did his hon. Friend forget how the Enfield manufactory was established? It was established at the time of the Crimean War; and most admirable arms, he must say, had been manufactured there. As improvements were made from time to time the Government had shown itself ready to adopt them, although he could never entirely approve of the mode of management of our public establishments. But to destroy all those establishments, in the expectation that private manufacturers would give us all that we required, was a proposition which was not to be seriously entertained. Through the accidents of political life he had happened to be connected with various dockyard communities, and, confining his observations to those who really performed the duties in those dockyards, he must speak of them in the highest terms. He believed that the work which they produced was the best of its class that could be obtained. The outcry that had been raised against the dockyards had originated in their having been carelessly, negligently, and improperly managed, and not in there being anything inherently wrong in their organization. But he now came to something which he durst say would give a great deal of offence. It was necessary that he should speak plainly of private establishments, but he hoped he would not touch them to the quick. If so, let "the galled jade wince." His hon. Friend said that the services of respectable contractors could not be secured because of the stringency of the rules with regard to contracts. He (Mr. M. Chambers) had some experience, however, of the way in which contracts with respect to buildings were carried out, and much the same thing happened in the case of ships. In the case of the Crimean War, what occurred with reference to contracts was just as bad as that which happened with regard to American contracts in the war between the Northern and Southern States, and it was a matter of frequent occurrence that when private establishments professed to have executed a contract satisfactorily, the Government workmen were obliged to finish the articles supplied. There was no doubt that we had been exceedingly faulty in the manner in which the accounts of our public establishments had been kept, and thoughtless or interested persons had come to the conclusion that the whole thing ought to be destroyed, because extravagance had been manifested. But the commercial community ought, in his opinion, to look upon the public establishments as institutions upon the prosperity of which their own prosperity depended, and not to promote a destruction which would only tend to their own ultimate loss.

The CHANCELLOR of the EXCHEQUER: I would venture, Sir, to suggest to the hon. Member for Birmingham (Mr. Muntz) that, before framing his next Motion, he should study the art of giving Notices; because, although a Notice should not contain a *précis* or an outline of the speech which is to be made, it is, nevertheless, of some advantage that it should convey a slight idea of the subject to which the speech will be directed. The hon. Member has dwelt at great length upon two subjects — neither of which are referred to in his Notice. There was nothing in his Motion which could give one the impression that he was going to deal with the subject of the Enfield manufactory or with the Report of two Gentlemen on the Mint which has been laid upon the Table; and the consequence is that those Gentlemen, who would have been here, and could have given him the information he seeks, are not present. But my part in the matter is a very small and humble one. I have only to answer what the hon. Gentleman says with regard to the management of the Mint. Now, I am so much at one with the hon. Member for Birmingham that when that distinguished man the late Master of the Mint died, I instituted a very strict investigation, with a view to seeing if it was possible to achieve what the hon. Gentleman desires—namely, to make the coinage of this country a matter of contract, and do away with the Government establishment altogether. And if I could have seen my way to doing this without injury to the public, I should have done what the hon. Gentleman so much desires. I took a great deal of trouble about the matter, and I found that it was impossible to do it without committing the public to a much greater expense than that which is incurred under the present system; for, although we might get the work executed by contract, we should be obliged to keep the dies in our own hands, to employ persons to test, to assay, and to superintend the work in all its stages; and when I estimated the expense which would be incurred by the employment of the persons necessary to check the process of coining by contract, I found that there was no margin left for profit to the contractor—in other words, that the process would be more expensive than it is at present. I was, therefore, compelled, though unwillingly, to give up the idea as impracticable. Then the next thing we had to consider was, what we could do towards amending the way of working the Mint. Upon that point the hon. Gentleman has indulged in some severe criticisms. We found a very defective system in existence. We found that the workmen were employed at high wages when there was any work to be done, and that at other times they received what was known as subsistence wages.

Thus, they would at one time be in a state of utter poverty, at another in a state of comparative opulence, and, as the House is aware, nothing can be more demoralizing. We have now, however, altered this system, by giving uniform and fair payment to the workmen, whether they are employed or not. The duty of the Mint, as the hon. Gentleman and the House are aware, is to be ready at all times to execute coinage when called upon. It cannot, like private manufacturers, say when it will work and when it will not. The business of the Mint is to sell sovereigns for a certain quantity of fine gold, and whenever there is a serious demand it must be prepared to manufacture. The consequence is, that we are obliged to keep a considerable number of men always ready, because we never know when the demand upon us will come. That being the state of the case, the simple question remains whether it is right or not that the Mint under such circumstances should execute orders for other countries that have no Mints of their own? Now, is there anything contrary to sound principle, or unjust towards any trade in our earning, when we should otherwise be standing idle, some of the money required to defray the expenses of the Government establishment? Nothing appears to me to be clearer than that this course is a proper one to adopt. The hon. Gentleman says that we shall involve ourselves in great expense and difficulty, and he speaks of the heavy penalties we shall have to pay. That, however, is easily met by our refusing to enter into any contract to which a penalty is attached; and I am happy to say that the character of this country is such that we shall meet with no difficulty in making reasonable contracts unattended by a single shilling of penalty. Then the hon. Gentleman says that we shall incur great expense in the speculative nature of the raw material; but that is obviated by our requiring those who come to us to bring the metal they wish to have coined. We have no wish to force a trade or to enter into large transactions. All that we wish to do is to fill up some idle time, and to keep our men at work, and our machinery in gear, so that we may be able to lighten the burdens of the taxation which would otherwise be required to defray the expenses of the establishment. The hon. Gentleman speaks of our entering into competition with the trade of Birmingham, and refers to the superiority of resources possessed by the manufacturers of Birmingham over ourselves. But if the establishments to which the hon. Gentleman refers are so vast and our own so small, the mere fact that we earn a few thousand pounds towards making this establishment self-supporting, must be a matter of mere insignificance to the manufacturers he refers to; so that while he calls upon the House to despise us for our smallness and insignificance, he seeks to interfere with what we are doing on the ground of the injury which we are causing to private manufacturers. The whole question of the employment of the men is one of comparatively small importance; but it appears to me that it is manifestly for the interests of the country that this establishment should be kept employed rather than that it should be allowed to remain idle. I do not pretend to vie with the hon. Member in the varied and interesting information he gave the House, which I heard with much pleasure, and should have heard with more pleasure if it had been more relevant to the main subject; but I am informed that it has not been the practice to manufacture gold and silver coin at Birmingham, and the main business of the Mint, if it were employed, would be to manufacture gold and silver coin. Therefore, what the hon. Member asks me to do is this—to increase the burdens of the taxpayers by some thousands a year, which might be saved, for the sake of Birmingham, to which, in all probability, this manufacture would not go. It is just probably a question whether the coin would be manufactured at one mint or another on the Continent, or whether it would be manufactured here; but even putting the matter as strongly as the hon. Member would wish to do, it is really better that some little employment should be withdrawn from the manufactories at Birmingham if by that means you can relieve the Exchequer of this country and make the Mint self-supporting. Under the circumstances I have described, and with the limitations I have mentioned, I do avow that it is right and proper, if we choose, to employ this machinery in making the establishment self-supporting rather than let it remain idle; and further than that

I do not wish to push the matter. I am certainly prepared to stand by the proposition that as we must have a Government establishment, as we have no choice, as it is not possible to do without it, we had better make it as far as we can self-supporting, always guarding ourselves against such engagements as would form an impediment to the discharge of what is the principal duty of the Mint, the coining, whenever it is called upon, of the required quantity of gold. I hope this explanation will be considered satisfactory. This question of the Mint has nothing to do with the larger question of Government factories, because we must have a Mint under Government care and superintendence; and, that being so, the only question is whether we shall, as far possible, use it for the purpose of repaying the outlay of the Government; or whether we shall keep a large establishment of skilled men and machinery wilfully idle in order, possibly, to increase the profit of some manufacturer?

Mr. NEWDEGATE was not surprised at the alarm occasioned by the principle involved in the decision of the Chancellor of the Exchequer, for the trade at Birmingham had suffered severely by the extension of the Government factory at Enfield. No doubt, the Chancellor of the Exchequer deserved credit for any small saving he could effect; but he did not believe that the saving was worth the change in the administration of the Mint, and the few thousands a year saved by avoiding idleness might be more than balanced by the inconvenience that would follow from the further adoption of the principle of the Government becoming a manufacturer. He was a member of the Committee which recommended that £20,000 should be spent in enlarging the manufactory at Enfield; but the Government spent £450,000, and so little with the consent of the House that money voted for commissariat purposes was applied to the Enfield extension. Up to 1815 the Government had no manufactory, and the Duke of Wellington said we derived superiority from the weight of our fire, obtained from arms manufactured chiefly in Birmingham and London. The evidence given before the Committee of 1854 was that the trade of the country could not be relied upon for 40,000 stand of small arms in a year. The House literally compelled the Government to give orders to Birmingham and London, and in two years and three months the private manufacturers turned out 272,000 stand of arms. Warned by what had occurred at Enfield, and also at Weedon, where an establishment was broken up on the Report of the Contracts Committee, and doubtful of the propriety of allowing the Government to compete with manufacturers, not for the supply of the Government, but, in this instance, for the supply of foreign countries, he trusted the House would not consider that the hon. Member had wasted time in drawing attention to a proposal which, although now of a limited character, might in future assume much larger proportions. He hoped that the House would not, in order to effect a saving of a few thousands a year, violate the principle that the Government should not become manufacturers and ought not to employ public funds in any commercial transaction or speculation. If the House once allowed that rule to be set aside all control would be lost, and there might, in the end, be a most extravagant expenditure.

NAVY—CASE OF REAR-ADMIRAL COOPER KEY.—OBSERVATIONS.

Sir JOHN HAY: I rise, Sir, in accordance with the Notice I have given, to call attention to the removal of Admiral Cooper Key from the office of Superintendent of Portsmouth Dockyard. I had hoped, before bringing on the subject, to have seen some Papers to explain it placed in the hands of hon. Members: I moved for them before the Whitsuntide Recess; but the right hon. Gentleman the First Lord of the Admiralty was unable to produce them. I shall, therefore, with the kind indulgence of the House, state the case as I have been able to obtain it from information I believe to be accurate, leaving to the First Lord of the Admiralty the opportunity of denying my statement or of admitting it, if he thinks he can show to the House that Admiral Key's removal is a just and proper act. At any rate, I feel sure that the case of Admiral Key deserves the consideration of the House. I think it will be right, before alluding to the treatment of Admiral Key, that I should remind the House what manner of man Admiral Cooper Key is. For though

Admiral Key is probably known by name and reputation to most hon. Members, he may not be personally known to many, as he has never taken any active part in political affairs. He is not what is called an officer of great political interest; but by dint of hard work, great scientific acquirements, and considerable professional knowledge, Admiral Key attained, at a very early age, to a high position in the Royal Navy. I wish, before stating the hardships and unmerited treatment which Admiral Key has received at the hands of the present Government, to allude very briefly to some of his distinguished services. Having served very creditably in the junior ranks of his profession, he went to the Royal Naval College, and obtained his commission as a lieutenant, when a lieutenant's commission was to be obtained by hard study, combined with great mathematical acquirements. Admiral Key was one of the first officers to obtain a commission by that honourable method; and I have been assured, by those competent to form an opinion, that Admiral Key's mathematical proficiency was so considerable that he might easily have obtained the position of a Wrangler at Cambridge. As a lieutenant he served with credit, and as a commander, when in command of the *Bulldog* during the Revolution in 1848, he was employed on the Coast of Italy, and received the thanks of Her Majesty's Government for his prudent conduct, as well as those of the Ambassador Extraordinary — Lord Minto—who was for a time embarked in his ship. Again, as a captain, he has always obtained great credit from his superior officers; and in the Baltic, during the Russian War, he performed distinguished service, especially in the Roads of Revel, for which he obtained the decoration of the Bath. He was afterwards employed in China, under Sir Michael Seymour and Lord Elgin, and at the capture of Canton, after displaying great gallantry in the storming of the town, he, by his adroitness, personally succeeded in seizing Commissioner Yeh, which greatly assisted our diplomatic arrangements in China. At the conclusion of these services he had not only obtained honours from the Crown, but had received many recognitions and marks of distinction from the learned Societies on account of his great scientific reputation. Soon after this Admiral Key was selected by the Duke of Somerset to fill the onerous post of captain of the *Excellent*, and head of the Royal Naval College, and was thus placed at the head of the scientific gunnery of the Navy, a post which he held for five years, with great credit to himself and great advantage to the country. Soon after Lord Derby took Office in 1866 my right hon. Friend (Sir John Pakington) found it necessary to create the office of Director General of Naval Ordnance during a time of great transition in the armament of the Navy. He selected Admiral Key for that post, and the appointment was received with acclamation by the whole profession; for at a time of great change in the art of naval gunnery no man was more capable of giving good advice. My right hon. Friend the Member for Tyrone (Mr. Corry) continued Admiral Key in the office of Director General of Naval Ordnance, and on quitting Office he left him in that post, and no doubt supposed that Admiral Key's services would have been of great advantage to the present Board, for he is not only a man of great ability, but a gentleman of admirable temper and engaging disposition. He was shortly after, however, dismissed from the post of Director General of Naval Ordnance, and it is very difficult to fathom the reasons which may have led to that dismissal. For want of any better reason, perhaps it may be found in the unintelligible desire of the present Board of Admiralty to put the country to the cost of a new trial of the Whitworth ordnance. As the House knows, and the Estimates show, the First Lord of the Admiralty is anxious, for reasons best known to himself, to re-open the Whitworth controversy, and I find, in a Paper in the hands of hon. Members, that Admiral Key's opinions on that subject were well known to the Board. Admiral Key was their responsible adviser on gunnery matters, and he thought this fresh trial unnecessary. He had reported that—

> "The service system satisfies every requirement of the service; and it would therefore be most impolitic to incur the enormous expense of introducing any other, until some defect is discovered in that now adopted, for which a permanent remedy cannot be found."

Admiral Key's opinion was opposed to that of others at the Board, who desired, for reasons best known to themselves, to re-open again this extravagant expenditure, and he was removed to Portsmouth to be Admiral Superintendent of the dockyard there. He had been barely a year and a few months there when he was again removed. I use the word removed and not dismissed, as the First Lord seems to object to it, and I am again anxious to ascertain from the First Lord what is the cause of that second removal. For want of any better reason, I must attribute it to the fact that Admiral Key objected to the new system of purchase adopted by the Admiralty, and because he called attention to the indifferent quality of certain articles, perhaps insignificant in amount, which had been obtained either by contract or by the new purchase system. I believe I am correct in stating that Admiral Key was the first person to call attention to the grievous blunder by which all the good anchors were sold at the price of old iron; and Admiral Key prevented the Portsmouth anchors being sent away from that dockyard to West Bromwich—where I understand anchors from other dockyards still are remaining, waiting to come back by railway during the Recess, when hon. Members may be less attentive to such wasteful expenditure. I understand that Admiral Key has also, on various occasions, called attention to the inferior quality of the coals bought by the Admiralty buyer, and has, as in duty bound, forwarded the reports of the proper inspecting officers as to the inferiority of stores received. But by his office he was bound to do this, for he was placed in the dockyard to look after the interests of the nation, and it must be to the advantage of the country that there should be in that position a man who is not only competent to give an honest opinion, but bold enough to express it, however distasteful it might be to the authorities at the Admiralty. His zeal, however, gave offence at the Admiralty, and they determined to remove him from Portsmouth Dockyard and to send him to Malta. Now, Admiral Key is not a rich man. He had expected the office of Director General of Naval Ordnance to be one in which his services would be continued at least for five years. He had come to London and had purchased a house. Well, when he was packed off to Portsmouth, the house was thrown on his hands. He had again made preparations, as in duty bound, for a residence at Portsmouth for five years. Again his expectations are disappointed, and, for no fault of his, he is again despatched to an inferior post at Malta. I understand that Admiral Key was, without any warning, summoned to the Admiralty, and, very much to his surprise, was told by the First Lord that he must be uncomfortable at Portsmouth, and that it would be better for him to go to Malta. Admiral Key said he was not dissatisfied with Portsmouth, and had no wish to leave it. Admiral Key was then told that it was for the benefit of the public service that he should resign Portsmouth Dockyard and serve somewhere else. The consequence was that he was obliged to accept Malta Dockyard or nothing, and a great point had been made of his being also second in command of the Mediterranean Fleet. But the Dockyard Admiral at Malta is, when next in rank to the Commander-in-Chief, always second in command of the Mediterranean Fleet. Admiral Fanshawe is so at this moment, and in all my experience it has always been so. During the critical condition of affairs with France before the Syrian War, Sir John Louis, the Dockyard Admiral at Malta, came to Vourla and took command of the Fleet during the indisposition of the Admiral—Sir Robert Stopford. During the Russian War my old and distinguished friend the Governor of Greenwich Hospital, Sir Houston Stewart, was Dockyard Admiral at Malta, and pushing forward the duties there with great zeal and success. But on the retirement of Admiral Dundas from the chief command, Sir Houston Stewart proceeded from Malta to the Black Sea as second in command. There is nothing new in this, and Admiral Cooper Key will be second in command of the Mediterranean Fleet in virtue of his commission as Rear Admiral Superintendent of Malta Dockyard. Well, Sir, the result of my inquiry has been to show that Admiral Key was removed from one office—that of Director General of Naval Ordnance—and sent to Portsmouth because he gave disagreeable advice to the Admiralty as to the Whitworth guns, and he is again sent away from Portsmouth to an inferior post because he objected to the quality of certain stores. It may be said by the right hon. Gentleman the First Lord of the Admiralty that these repeated changes have been made for the benefit of the service; but I, for one, cannot deem it advantageous to the country to take a most distinguished officer like Admiral Key and treat him in a manner so undeserved and so likely to humiliate him in the eyes of his brother officers. I have therefore thought it right to bring the matter before the House, and I now leave it in the hands of the right hon. Gentleman the First Lord of the Admiralty to make whatever explanation he thinks right on the subject.

MR. CHILDERS said, he would reply, as clearly as he could, to the remarks of the hon. and gallant Baronet (Sir John Hay); and the state of the case as to this question was simple. Somewhere about a fortnight ago the hon and gallant Baronet put a Notice on the Paper, of his intention to call attention to the removal of Admiral Key from Portsmouth Dockyard, and to move for Papers, and on the last day before the Recess he did, at a few hours' Notice, ask for Papers and coupled with the request a Motion for information as to any goods delivered under contract at Portsmouth Dockyard which had been objected to by the officer superintending there, clearly intending, as his speech that evening showed, to connect in some way the rejection of certain goods at Portsmouth Dockyard with the change made in the appointment of Admiral Key. There was no objection to the production of the Papers relating to Admiral Key, and as there had been no correspondence with the Admiralty on the subject, the Paper now placed on the Table was simply the ordinary service appointment of Admiral Key to be second in command of the Mediterranean Fleet. With regard to the second part of the Motion, in reference to goods objected to, he was anxious not to set a precedent of giving information of that kind relating to a large number of contractors in a Parliamentary Paper; but, at the same time, he was desirous that the hon. and gallant Baronet should have the fullest information on the subject, and he authorized the officer in the Contract department to show the hon. Baronet in detail information of any article he might inquire about, and which had been delivered since the beginning of last year. The statement of all the articles objected to on any grounds during the last 15 months covered many pages, and out of many hundreds of articles only five or six of the objections had been maintained. He found that altogether 46 different contractors had, since the beginning of last year, or since the present system of purchase and contract had come into operation, had their goods objected to. Of these 46 only six were firms supplying the Admiralty within the time of the present system of contract and purchase. All the rest were firms who supplied goods under the former system, and the only new firms were two or three in Birmingham and the centre of England. He would state in general terms what were the cases of objection which the hon. and gallant Officer had connected with this matter. One referred to some paper, and that was explained the other day by the Secretary to the Admiralty. A certain quantity of brown paper, delivered under contract according to the former state of things, was objected to as not being according to pattern. The manufacturer thereupon applied to the Admiralty for a revision of the objection, and the article was found according to pattern in four particulars; but it was objected to on one account—namely, on the ground that it was not of proper weight. Inquiry was then made as to the way in which the weight was ascertained, and it was explained that a single sheet was weighed, and its weight multiplied by the whole number of sheets in the ream. That, on consideration, was not thought the proper mode of proceeding, and on a ream of paper being sent for and weighed, it was found to be up to the proper weight according to the contract, and it was therefore ordered to be received. The next case referred to certain washstand tops, of which 26 were objected to. It was stated that they were a little warped; but they were quite available for service, and up to pattern, and they were consequently ordered to be accepted, and no complaint had been made about them at Portsmouth. Then there was a case relating to some china articles, which were, on inquiry, found good for service; but some bowls and common jugs were under weight. This china was sent to Devonport, and a new set was sent to Portsmouth and accepted. Then came the case of a certain leather contract, which had, on a former occasion, been fully explained by the Secretary to the Admiralty. It was found necessary to put an end to a leather contract in existence before a new contract was made, it being thought advisable to revise the contracts, because at different dockyards the same pattern was not maintained. While this was occurring there was a sudden requisition at Portsmouth for some leather. Accordingly, a quantity of leather was purchased from a firm of the highest position, he believed, in the leather trade; but when it went down to Portsmouth it was not used, and several weeks afterwards complaints were made that the leather was of inferior character. The leather was then sent to town and examined most carefully by an officer of the highest standing. It was subjected to test, and stood the test three times, and the result was that the Government, having purchased it on a great emergency, saw no reason to reject it. The fifth case was that in which certain contractors, who had supplied the Admiralty for three generations, had certain bunting rejected at Portsmouth. That was also a contract under the former arrangement. The contractors applied to the Admiralty for a revision of the decision, and a very careful inquiry was made. The result was, that after not only the officers of the dockyard, but also of different ships, had reported independently, the white bunting was declared perfectly good, and with respect to the blue and red, which to a certain extent was inferior, a reduction of 15 per cent was made, which the contractors acceded to, and which was perfectly satisfactory to the officers at Portsmouth. There was no difference of opinion whatever between the Admiralty and the local officers on the subject. It was, in his opinion, essentially for the protection of traders that the appeal should exist, and that the manufacturers should not be left entirely at the mercy of the local officers. These were all the cases, which he had explained fully to the House, and on which the gallant Officer had founded the presumption that it had been found necessary to take steps by which Admiral Cooper Key might be placed in what was called a humiliating position. He hoped that on the subject of these contracts he had been very plain with the House. But the hon. and gallant Member had alluded to another article, as to which he was entirely under a misapprehension. He stated that a local officer at Portsmouth had rejected some coal. Now, the hon. and gallant Member had been to the Admiralty, and he was shown that there had been no case of rejection of coal at Portsmouth. He (Mr. Childers) had also made inquiry himself, and he found the fact was so. Having now gone through one by one the cases of rejection at Portsmouth which were supposed to have some connection with the arrangement, he would now explain why Admiral Cooper Key was no longer Admiral Superintendent at Portsmouth. So far as regarded the character, abilities, and position of that naval officer, he endorsed very freely and heartily all that had been said by the hon. and gallant Baronet. Admiral Cooper Key had from the first distinguished himself in his profession as lieutenant, commander, and in the higher positions he had since filled. He believed Admiral Cooper Key to be one of the ablest and most distinguished officers in Her Majesty's Navy, and he would repeat the language he had used a fortnight ago in the course of a casual debate upon the Navy Estimates—namely, that he knew no officer whose future career might be looked forward to with more confidence. But the hon. and gallant Officer had entirely misread or misunderstood—he did not impute to him that he had wilfully misdescribed—what had occurred with respect to the transfer of the services of Admiral Cooper Key from the offices which he had held during the last two years; he stated that he was obliged to rely, to a certain extent, upon rumours, and in depending on rumours he might be mistaken. It was perfectly true that Admiral Cooper Key, when captain, was selected by the Duke of Somerset for the command of the *Excellent;* it was true that he had been selected by the right hon. Baronet opposite (Sir John Pakington) to be Director General of Naval Ordnance; but it was also true that he had not been confirmed in that office till the present Board of Admiralty came in, and he himself (Mr. Childers) had moved the Treasury to make the office a permanent one. Till then, the office was a mere temporary acting appointment, and he had placed it on the Estimates at a salary of £1,000 a year. The hon. and gallant Officer had given a very mistaken apocryphal account of what he called Admiral Key's dismissal or discharge from Portsmouth, and his appointment to an inferior office, because he had run counter to the views of the Admiralty in regard to the Whitworth guns, there being, in fact, no correspondence then on the subject. There was not a word of truth in that. He was simply selected after his cruise in command of the Coastguard Fleet at last Whitsuntide, under the eye of several members of the Admiralty, for the superior office of Superintendent of Portsmouth Dockyard, which had then become vacant by the appointment of Vice Admiral Wellesley as Commander-in-Chief to the North American Station. Instead of being a discharge, or dismissal, it was exactly the reverse; the appointment was given him—as it was believed he would be anxious for it—as one of great honour and advantage to him. At the time that appointment was made, there was some difference of opinion among his advisers as to whether it would be wiser to send Admiral Key to sea in command of the fleet, or to Portsmouth Dockyard; and he must take on himself the responsibility or blame, if it should be so considered, of not giving him a foreign command. He now came to the second change of his appointment. The other day the office of Superintendent of Malta Dockyard became vacant. The hon. and gallant Officer said that office was connected with the second in command of the Mediterranean Fleet. That was the case, no doubt, some years ago; but, as the hon. and gallant Baronet knew, for some years past it had not been so.

SIR JOHN HAY said, it was no mistake on his part. He entirely differed from the right hon. Gentleman as to the duty of the dockyard admiral at Malta.

MR. CHILDERS said, he wished the hon. and gallant Baronet to understand that he did not impute any wilful misstatement to him, but only that his memory was at fault. The practice used to be for the two to go together; but for some years past there had been no second in command of the Mediterranean Fleet, and the officer who held the appointment of Superintendent of Malta Dockyard, instead of hoisting his flag in the Mediterranean, had hoisted it in a nominal ship in the harbour, and did not go outside. Admiral Fanshawe never went with the Malta Fleet during the time of his appointment. The present Board of Admiralty determined a short time since, that when the first vacancy occurred it would be desirable to revive the appointment of second in command of the Mediterranean Fleet. He would not go into the reason for that change; but they were connected with the policy of keeping our fleets at sea as much as possible, and therefore it was thought, on public grounds, that the office should be revived, and that the second in command of the fleet should be connected with Malta Dockyard. That being decided, when Admiral Fanshawe was promoted they came to the conclusion, having regard to the public advantage, that the office should be conferred on Admiral Key. He accordingly saw him, and stated to him that his appointment was made by the unanimous advice of the Board. He hoisted his flag a day or two ago, and would proceed to the Mediterranean in a few days. He (Mr. Childers) had stated that the Board of Admiralty considered it for the public advantage that this officer, of whom he had spoken in fitting terms, should be appointed to that office; and he hoped the House would not take on itself the responsibility of revising the acts of the Executive Government in respect to the appointment of individual officers, when those who were responsible said they considered their appointment for the public advantage. On that ground he hoped that on this, as on other matters, the House would continue to place confidence in Her Majesty's Government.

MR. CANDLISH said, the hon. and gallant Baronet opposite had stated that Admiral Cooper Key was removed from the office of Dockyard Superintendent because he quarrelled with peculation. That was a statement of a very serious nature, involving, as it seemed to him, the character of the First Lord of the Admiralty; who must, if this accusation were true, be an aider and abetter of peculation. It devolved, therefore, upon the hon. and gallant Baronet opposite to bring the charge in some definite and responsible shape before the House.

SIR JOHN HAY said, he, no doubt, had intended to imply that it was the duty of the dockyard admiral to prevent peculation; but that the discouragement he received for endeavouring to prevent it was calculated to encourage rather than prevent peculation.

MR. CANDLISH said, the identical words the hon. and gallant Baronet had used were that Admiral Key was "removed because he had quarrelled with peculation." That was a statement of so grave a character that the hon. and gallant Baronet owed it to himself to substantiate it.

SIR JOHN HAY said, he never used the words "quarrelled with peculation."

MR. CANDLISH said, he had taken down the words at the time. But of course, if the hon. and gallant Baronet now declared that he did not attach to those words the meaning which they would ordinarily bear, or that they did not express his actual meaning; or wished now to withdraw the words themselves, then, of course, all his charges against the Admiralty fell to the ground, and the purpose for which he (Mr. Candlish) had risen would be accomplished.

SIR JOHN HAY said, the hon. Gentleman had persisted in stating that he intended to say what he did not mean to say. He did not say what the hon. Gentleman had attributed to him; but he had no objection to the interpretation of the hon. Member—namely, that the Admiralty had removed a most efficient officer, because he challenged the stores sent in for the public service, and that by removing him for so doing they had encouraged peculation.

MR. CHILDERS said, he had described exactly the nature of the objections made.

MR. CANDLISH said, he did not think the statement of the hon. and gallant Baronet opposite had materially altered the facts as he (Mr. Candlish) put them before the House. The hon. Baronet's statement now was, that the Admiralty, by the course which they had taken, had encouraged, or in some way had connived at, peculation. [SIR JOHN HAY: Hear, hear!] Well, if that were so, the imputation was a very grave one, and ought to rest upon unquestionable facts. But no facts whatever had been adduced by the hon. and gallant Baronet, who was now plainly called upon to bring the matter forward in some distinct and specific shape in which the House could deal with it.

SIR JOHN HAY said, that if the hon. Gentleman would move for a Committee he would second it. He was sorry the Government, for its own credit, did not do it.

MR. CANDLISH said, the responsibility did not rest with him, but with the hon. and gallant Baronet himself.

SIR JOHN PAKINGTON said, he thought the question which had been raised by his hon. and gallant Friend (Sir John Hay) was sufficiently grave in itself, without having new and foreign matter imported into it by the hon. Gentleman opposite (Mr. Candlish). The hon. Gentleman opposite might wish to give to the Motion a party character, and to stop discussion, but they would not stop him from saying what truth required. The character of Admiral Cooper Key was the property of the country, and if he had not received proper and worthy treatment at the hands of Her Majesty's Government there could be no more fitting subject of Parliamentary inquiry and discussion. Admiral Key was known to the whole country; at the present day there was no man who was a greater honour to the profession which he belonged to; and the issue raised by his hon. and gallant Friend was simply this—whether Admiral Key had received at the hands of the Admiralty treatment such as he was entitled to by his high character and deserts. Two questions plainly grew out of the Motion, and, after listening attentively to the right hon. Gentleman opposite, he must say that neither of those questions had been answered satisfactorily. His hon. and gallant Friend had used plain words. He stated that Admiral Cooper Key was dismissed, or sent away from the office of Naval Director of Ordnance—to which he himself (Sir John Pakington) had the honour of appointing him—because he considered there would be a waste of public funds and extravagance on the part of the Government in undertaking fresh experiments with what was called the Whitworth ordnance, when we were already in possession of guns performing the duty satisfactorily and approved both by the profession and the public. Such a statement as this at once raised the question, why was Admiral Cooper Key deprived of the post of Naval Director of Ordnance, which he held very greatly to the advantage of the country? The right hon. Gentleman opposite gave no satisfactory answer to that question. Then came the second question. Admiral Key was made Naval Superintendent of Portsmouth Dockyard, and there had to fulfil functions of great importance to the public service in judging as to the stores supplied. If he discharged his duty ably and honestly, he was bound to report to the Board of Admiralty any objections which he might discover as to the character and quality of the stores sent in. He understood that this duty was performed by Admiral Key. Why, then, was he sent away from Portsmouth? Speaking with perfect candour, he was bound to say that the right hon. Gentleman opposite gave no answer whatever to this question. According to the usual practice of the profession, an officer appointed to be naval superintendent of a dockyard retained that appointment for five years. Admiral Key had not been there more than one year when he was sent away. Now Admiral Key was known to be not only one of the most distinguished men in the service, but, it was no disparagement to say, also a very poor man; and such a removal from such an appointment was accordingly a cruel hardship upon him, unless the Government were in a position to show that good and valid reasons existed for the removal. He submitted that the fact of his rejecting stores afforded no ground whatever for his removal. The gallant admiral might have been mistaken as to the quality of particular stores; but, in objecting to those which he considered faulty or unsuitable, he was only honestly discharging his duty, and should have been thanked and encouraged, not dismissed by the Government. If Admiral Key was not at liberty to reject stores, why was he sent to the Dockyard at all? He wanted answers from the Government to these difficult questions, for as yet no answer whatever had been given. The case stood thus—a personal hardship, professional discredit, and pecuniary loss had been inflicted on one of the most distinguished men in this country, and down to that moment no explanation whatever had been given by the Government of the motives which influenced them in taking this extraordinary course.

MR. CHILDERS said, that the House would perhaps permit him to say a word in explanation. Admiral Cooper Key had been removed to an office the salary of which, he believed, was not only not smaller, but was absolutely larger than that which he had formerly received. If Admiral Cooper Key could show that by the removal he had suffered any pecuniary loss the Admiralty would be willing to reimburse him.

SIR JAMES ELPHINSTONE said, that Admiral Cooper Key had, in common with the best officers of the British Navy, expressed his opinion with respect to the policy of the change made in the purchase system. The Paper containing these opinions was not on the Table, and as Admiral Cooper Key from the time that he joined in this controversy was doomed, the House could not properly discuss this question until that document was produced. The real offence of this distinguished officer was, that he had dissented from the course the Admiralty had taken in altering the practice of buying stores through open tender to what was called the purchase system. It was not now the time to go into the question of the purchase system, though, when the time for the discussion of that question arrived, he should be perfectly prepared to grapple with the right hon. Gentleman (Mr. Childers), to show that the words which he (Sir James Elphinstone) had used on a previous occasion were fully warranted by the facts, and to prove that the system was a vicious one leading to all kinds of peculation and jobbery. What they wanted to know was this—why was Admiral Cooper Key dismissed?—for his retirement was certainly not voluntary; and the post which he now occupied was inferior to the one from which he was dismissed. For his part he believed that Admiral Cooper Key had been twice removed because he was too honest for the present Administration.

GAME LAWS.—RESOLUTION.

MR. LOCH, in rising to move—

> "That, in the opinion of this House it is expedient that an inquiry into the operation and effect of the Laws relating to Game, especially as regards Scotland, be undertaken by a Committee of this House,"

said, that he desired to draw attention, in the first place, to the attempts that had been made in the last and the present Parliament, by private Members and the Government, to deal with the Game Laws, and to show that, without further and more accurate information, it was not likely, or even possible, that Parliament could advance to any practical or satisfactory solution of the question. He believed, in common with many others, that of all practical questions requiring settlement at the present moment, none was of greater moment than this of the Game Laws, and that there was great social peril in the continuance of the present system. That Parliament had made no progress towards a satisfactory solution of the question was evident by the fact that no less than five Game Law Bills had been introduced in the present Session. That indicated the strong feeling that existed as to the necessity of some legislation on the subject; but it proved, at the same time how opinions differed as to the best and most proper manner of dealing with it. A few days since there was a discussion on the Bill of the hon. Member for Leicester (Mr. Taylor), which proposed the total abolition of the Game Laws; and, no doubt, it was the opinion of many persons, especially in the boroughs, that that was the only possible solution of the question. On the other hand, many doubted whether total abolition was the best manner of dealing with the question, and whether it would not create evils that did not exist under the present system, and whether it would not be better to modify those laws rather than abolish them altogether. In what he now said, he desired to be understood as expressing more particularly the opinions that prevailed in Scotland in regard to the Game Laws. In that country, then, there was almost perfect unanimity as to the injurious operation and effect of the Game Laws in their present shape. No question was more pressed upon Scotland during the last General Election than this question of the Game Laws. He believed that no single question, not even excepting that of the Irish Church, more largely influenced the public mind in the course of that election, or influenced more considerably its general results. In many counties it entirely revolutionized the representation; and, that being so, the Scotch naturally entertained great confidence that their views would receive respectful attention at the hands of the Liberal Government, to which they were tendering, and in so unreserved and generous a manner, so large an amount of support. It was apparently in recognition of these services that, soon after the commencement of last Session, the Lord Advocate summoned a meeting of Scotch Members to consider whether he should or should not attempt to deal with the Game Laws in Scotland. No doubt, with the statesmanlike views of his learned Friend, he would have introduced a measure which would have dealt with the question satisfactorily; but, unfortunately, he had determined not to take that course. About the same time two measures on the subject were submitted to the House, one by the noble Lord the Member for Haddingtonshire (Lord Elcho), and the other by the hon. Member for Linlithgowshire (Mr. M'Lagan). Those were Bills either in all or in many respects similar to other measures that had been in previous years introduced to the consideration of Parliament by the same hon. Members. These measures generally came in in pairs, and the former seemed to have for its special purpose the hampering the latter more simple measure. Under these circumstances, he (Mr. Loch), though with much hesitation, applied himself to framing a measure—a task for which he considered himself well qualified, for it had been the business of many years of his life at the same time to secure the just rights of property and to enforce the just claims of the occupying tenants. But it soon became evident that Bills of that nature, promoted by private Members of that House, had little chance of success unless supported by the Government; and that being so, it had occurred to him, seeing how little real knowledge there was on the subject on the part of a great many Members of that House, that the best course to be pursued would be to propose a Committee to examine into the whole question. He accordingly submitted his views on the subject to the Secretary of State for the Home Department, and the then Lord Advocate, and with their entire concurrence and support he successfully submitted to the House a proposition that a Committee of Inquiry be appointed. That step, however, had been no sooner gained than it was met by the most strenuous opposition by several Gentlemen, and amongst others by the hon. Baronet the Member for Portsmouth (Sir James Elphinstone), who made it a point to prevent the Inquiry taking place; and his efforts were so effectual that, when it came to the nomination of the Committee, he produced by his efforts an amount of disunion amongst those from whom he had hoped to obtain support; the right hon. Gentleman at the head of the Home Office and the Lord Advocate of the day deserted; and he was, in short, deprived of the Inquiry on which he had so much counted. At the same time, the Lord Advocate promised he would introduce a Bill in the following Session. Not being quite confident that this would be such a Bill as would meet with general approbation in Scotland, when the present Session began he (Mr. Loch) re-introduced his own Bill; after some delay the measure of the Lord Advocate was brought in; and the hon. Member for Rochester (Mr. P. Wykeham-Martin) also introduced a Bill—not, however, with much earnestness, for he abandoned it at the first objection. Moreover, further to complicate affairs, the Home Secretary volunteered that the Lord Advocate's Bill should be made to extend to England as well as Scotland—a matter plainly impracticable, for the law in the two countries were based originally on different principles of common law, had been further varied by different codes of statutory legislation, and the agricultural economy of the two countries were in marked contrast in every respect. It was, therefore, plainly impossible to make a Bill, which had been evidently prepared with reference to Scotland alone, applicable to England merely by inserting the word "England" in the clauses. But, in addition to that, two other Bills were introduced, one by the hon. Member for Bury St. Edmunds (Mr. Greene), and the other by the hon. Member for Leicester (Mr. Taylor) for the total abolition of the Game Laws; and thus they had before the House five measures all bearing upon the question of Game Law reform. All this made it quite impossible to look forward to any practical or useful solution of this question by means of the measures now before Parliament, and therefore it was that he ventured to propose the appointment of a Committee upon this question. It was 25 or 26 years since there had been any inquiry into the operation of the Game Laws in England, and there never had been any inquiry into their operation in Scotland. There was no adequate knowledge possessed by the generality of Members of the feeling of the people of Scotland on this question. He did not think he could urge anything more to show the necessity for inquiry, and he would only say that he feared the question was so misunderstood that there was little hope at present for the passage of the measure he had introduced, and which was now on the Table of the House. At the same time, he ventured to think that the Bill was one which, if passed into law, would put an end to all the discomforts and all the agitation now existing, and without the violation of any principle held by landlords as regarded contracts, or putting the land-owning class in any worse position than that which they now occupied. He would only, in conclusion, allude to what passed at a debate introduced by the hon. Member for Leicester (Mr. Taylor). He was charged with having made misstatements. ["Order!"]

MR. SPEAKER said, the hon. Member could not refer to a previous debate.

MR. LOCH said, any information that might lead to misapprehensions or exaggerations would be supplied by such an inquiry as he now suggested. The hon. Member concluded by moving his Resolution.

MR. MACFIE: Sir, at this late hour of the night I think I shall best consult the convenience of the House if I make my remarks very few indeed. I have a strong conviction, founded upon observation of the general feeling that appears to exist on this subject throughout the kingdom, that it is most desirable that there should be an investigation not only with regard to the Game Laws and their operation, but also into the effects of game preserving generally. I trust that what has been laid before you on a subject which so gravely interests the northern part of the kingdom in particular, will not be without effect. We have so many Game Law Bills before the House that it would be quite impossible for them to be taken up in this Session of Parliament, therefore no time would probably be lost in at once referring the subject to a Select Committee, or, if Her Majesty's Government prefer it, to a Royal Commission. It seems to me that there are various aspects to this question. There is one with reference to the rights of tenants in connection with, and in reference to, those of their landlords; there is another with regard to the effect which game preserving and the Game Laws have upon the morals of the people; there is another connected with the legitimate enjoyment of field sports; but beyond all these there is another aspect of the question of much greater importance—that is, the consideration how far the present system of legislation and the present practice in reference to the preservation of game affect the main purpose for which land is, by Providence, and according to the laws of the country, entrusted to the management and charge of individuals. The object with which land has been allowed in this and other countries to be held by private individuals is for the public good, and not the good of the landlords themselves. A landlord is not permitted to hold land that he may receive large rents, but in order that there may be raised up on his estate a virtuous and healthy population, which in times of war or danger to the State will come with sinewy arms to its protection; and who, in time of peace, shall employ themselves in the pursuit of those industrial occupations which are so beneficial to the country, and in rearing up families characterized by moral, religious, and industrial habits. Well-founded fear is growing up among us that the actual system of game preserving on agricultural land is most unprofitably consumptive and destructive of human food, and tends, also, in many instances, to prevent its production on land which is quite capable of producing it. I wish particularly to direct the attention of the House to the vast amount of land which has been devoted to deer forests. On this point I may be permitted to refer to the most recently published book upon sheep farming—published, indeed, during the present year. It tells us that the land which has been appropriated in Scotland to so large an extent to deer forests is quite of the same quality as that which is devoted to the rearing of sheep. It is difficult to ascertain the exact extent to which afforesting for deer has gone. But here is an estimate of nine counties in Scotland, which shows that in them not less than 1,320,000 acres of land have been so appropriated—I should rather say misappropriated. No doubt, it must be admitted that, owing to the high prices that gentlemen are now disposed to give for permission to sport over these lands, a higher rent is obtained by the proprietors than can be obtained for it for grazing purposes. An estimate contained in this book shows that, while the profits to the landlords by the exclusion of sheep from this extent of acreage is £16,500, the loss to the nation is no less than £343,380 a year—because there is such a small quantity of food produced on the land compared with what would be produced on it if it were devoted to the breeding and rearing of sheep. I have a communication from a gentleman well acquainted with this subject. I will read an extract—

> "In four counties flocks, to the extent of 400,000 sheep, have been displaced for deer, and there is in consequence a diminution to the value of £250,000 a year in food and wool. The population of the four counties in which this system of afforesting so extensively prevails has, since 1851, been reduced by 41,000. The sheep farmers on these forest lands suffer great loss in their stock."

My correspondent goes on to say—

> "How are we to replace this £250,000 worth of food and clothing, and what will be the population of the Highlands in a few years? They will, in fact, be reduced to a desolate waste."

Now, whatever may be the amount of deduction which hon. Gentlemen may be disposed to make from these statements, they have been given on high authority, and I think it is high time that an inquiry should be made into the subject. This Parliament is especially expected and entitled to make such an inquiry. It is to the present Government, beyond many preceding ones, that the people look for inquiry on the subject. I must make one remark; we hear much less now than we did last Session of this being a people's Parliament which ought to look to the general good of the nation, and to the interests of the many as well as to those of the few. A word in regard to those who are chiefly connected with, and interested in, this afforesting of the land: I believe it is owing in a great measure to the fact of the superabundance of wealth among the middle classes. If this afforesting had been conducted and brought about by the nobles of the land there would have been a great outcry raised; but because those who have risen from the ranks have in so large a measure done it the wrong has passed comparatively unnoticed. But the circumstance is truly an innovation. Now, we of Scotland delight to have our English neighbours visiting our noble scenery, and rejoice at their becoming proprietors of a portion of our lands, but not in order that they should turn it into a waste for the preservation of deer or other game to the detriment of the native population, who, as I have shown, are fast disappearing from certain portions of the Highlands, and who are the real possessors of the soil, for in ancient times the chieftains and heads of families held the land in trust for the clans and people. If our English neighbours come to reside among us, it should be for the benefit of the whole body of the population. I have shown that the food of the people has greatly diminished, that the numbers of the population have also diminished. I fear that this system of afforesting land, and retention of moorland fit for the plough in the state of nature, for the benefit of a few, is one of the first symptoms of national decadence—

> "Woe to that land, of gathering ills the prey,
> Where wealth accumulates and men decay."

A use of wealth for mere gratification at such a cost as this is to be deplored. I hope, therefore, the House will agree to, and Her Majesty's Government will support, the proposition now made, and thus admit that there is just ground for an inquiry into this most important subject.

MR. PARKER said, he rose not so much to support the Motion as to enforce on the attention of the Government and the House the present state of the game question in Scotland. To use an old joke, it seemed to require something like a surgical operation to introduce into the minds of that House and the nation that the people of Scotland were in earnest about the Game Laws. At present the demands of the Scotch tenant-farmers were moderate; but he could not undertake that they would long remain so, if they continued to be treated Session after Session on this question as they had been. Proposals were made to that House, somewhat crude in their nature, but, no doubt, well meant, for the total abolition of the Game Laws. Now, that was not the view taken amongst his constituents. They did not desire total abolition at present. They had nothing whatever to say against the winged game; all they desired was not to sweep away, but to limit the number of ground game, and any measure which would practically effect that object would meet their views. Whether that was done by leaving them out of the game list, or whether by limiting the power of contract between landlord and tenant, or by any other means, mattered little. No tenant, either in England or in Scotland, would willingly enter into litigation with his landlord on the damage done to his farm. The tenants were anxious that the damage should not take place, and the question was, whether they could find—and it ought not to be beyond the reach of human ingenuity to find—a means by which they could extend to all tenants that privilege which at present was extended by the liberality of landlords to some. The hon. Member for Berwickshire (Mr. D. Robertson) said he had no difficulty with his tenants—that he allowed them to kill as many hares and rabbits as they liked, and they were content. No doubt the same would be the case if that were granted by landlords generally; and if they would do it of their own accord, there would not be the slightest need for legislation. But that was not so; and many of the landlords constituted themselves joint-stock poulterers, or they let their land to strangers, and got two rents out of it—one from the farmer, and one from the shooter of game. Last year the general feeling was, that this question was one which the Government ought to take in hand, and he was thankful for the attempt they had made; but the people of Scotland did not look upon this as a favour which the Government could give or withhold—they considered it a *quid pro quo* for the warm support they had given them to enable them to redress grievances elsewhere. It was not a very usual thing that the agricultural interest should be found supporting a Liberal Government. The Scotch people had made the experiment, but the result had not been so satisfactory as it might have been; and he thought that unless the Government stood up more firmly for the Scotch tenants on this question of the Game Laws than they had hitherto done, the results of the next election, so far as the agricultural constituencies were concerned, might be very different. He hoped that justice was not to be limited geographically to one island at the expense of another. The Prime Minister had showered forth abundantly justice to Ireland. Let him now do justice to Scotland.

VISCOUNT ROYSTON said, the fact that there were five Bills before the House on the subject of the Game Laws showed that hon. Members took a certain amount of interest in the question.

The hon. Member for Leicester (Mr. Taylor) had lately signalized himself by his speech on the subject; but he had received an answer which ought to be satisfactory to the House. The hon. Member for Perthshire (Mr. Parker) had made his appeal to the Government on this question on the strength of his return for Perthshire, and he intimated that if Government did not do something he (Mr. Parker) would not be returned a second time. The question of game appeared to him (Viscount Royston) to be a question of property, and he felt sure that no Government would venture to interfere with that question of property. The hon. Member who introduced this Motion (Mr. Loch) ought to know a good deal about the matter, for he managed an extensive property for a distinguished nobleman, the greater part of which was let out for the purposes of game. If a gentleman could let his land at a higher price per acre for game than for other purposes he had a perfect right to do so, though the hon. Member for Leith (Mr. Macfie) seemed to think that this was contrary to the purposes of philanthropy, or that it was wrong to displace sheep for deer. That was neither here nor there; he contended that a landlord had a right to use his property in the way that was most advantageous to his pocket. He believed that the moderate preservation of game was not unpopular in Scotland; he was sure it was not in England. There was no reason whatever why game should not be treated as property, and its preservation be made the subject of covenants in leases, with a provision that the farmer should be compensated by the landlord for any injury done to his crops by the game thus preserved. If the Committee proposed by the hon. Member for Wick (Mr. Loch) were likely to settle the matter, he would give his support to the Motion; but, as it was, he must oppose it, because he did not think any good would result from such an inquiry as that which was asked for.

Mr. RYLANDS said, that he could assure the noble Lord who had just spoken (Viscount Royston) that he was mistaken if he supposed that discussions upon the Game Laws would not arise in Parliament so long as those laws remained in their present state. There had been very great dissatisfaction expressed in Scotland, and there was a wide-spread feeling in England in opposition to the Game Laws. Had his hon. Friend the Member for Wick (Mr. Loch) not been prevented by the forms of the House from making his Motion in the terms on the Notice Paper, it was his (Mr. Rylands') intention to have proposed that the inquiries of the Committee should extend to England as well as Scotland. He thought there were sufficient grounds for the appointment of a Select Committee upon this subject. It was now 25 years since the last Committee was appointed. At that time the Government consented to the appointment of a Committee, mainly in consequence of the amount of crime shown to exist in connection with the Game Laws. But if that were a reason in 1845, there was still greater reason at the present time, because the crimes produced by, or connected with, the Game Laws were now much more numerous than they were a few years ago. In 1857 they numbered 5,534; in 1861 they had risen to 8,563; and in 1868 they were 10,445; exclusive of the offences under the Poaching Act of 1862. No doubt it would be urged that the existence of convictions under an Act of Parliament was no reason for its repeal, and that he did not dispute might be fairly stated in the case of most laws; but the Game Laws occupied an exceptional position—they had not the support of public opinion, but were regarded by many people as opposed to right and justice. The offences against the Game Laws were frequently committed by persons who, in the first instance, would shrink from an ordinary act of dishonesty, but who from being thrown into gaol were often led into a criminal course of life. In 1863 the right hon. Member for Bradford (Mr. W. E. Forster) brought forward a Motion for a Select Committee upon the Game Laws, which had the support of the right hon. Member for Morpeth (Sir George Grey), whose authority was so great in that House; but the Motion was defeated by an Amendment, to the effect that it was undesirable to have a Committee until it was seen what would be the operation of the Poaching Act, passed the previous year. The country had now had several years' experience of the Poaching Act of 1862, and that experience was not by any means satisfactory. The number of convictions under the Poaching Act during the year

1868 was 953, and he believed that many cases had occurred in which considerable injustice had been committed under the Act. At all events, he considered that the operation of the Poaching Act furnished an additional reason for the appointment of a Select Committee on the Game Laws.

SIR LAWRENCE PALK said, he thought too much sentiment had been introduced into the matter. He believed that if Scottish landowners did not find that game paid better than sheep, they would not preserve it. In this country all tenants had a right to destroy ground game, and he would recommend that for imitation in Scotland. In his opinion, the abolition of the Game Laws, accompanied with a stringent law of trespass, would settle the whole question. He was astonished at the observation of the hon. Member for Perthshire (Mr. Parker) that the Scotch agricultural Members had been returned solely with the view of effecting a change in the Game Laws of the country. After all the professions of high principles that had been uttered from the opposite Benches, he felt bound to think more highly of the agricultural constituencies of Scotland than the hon. Member appeared to do.

MR. PARKER explained that he said that there were other great questions; but what he contended was that the question of the Game Laws was the small balance which settled the Scotch elections in favour of the present Government.

MR. KINNAIRD said, he was glad to hear his noble Friend opposite (Viscount Royston) contend openly that, as regarded game, landlords had a right to do as they liked. The hon. Member for Perthshire (Mr. Parker) had spoken of the feeling which existed in Scotland on this question, and he could bear testimony to the fact. In England, tenancies were from year to year, and there were understandings between the landlord and the tenant. In Scotland, however, from long usage, leases of 19 years were entered into, and it was a hardship upon the tenants that, in addition to paying their rents, they should have the additional impost upon them of nursing and rearing game, which were shot and sent up to the London market to be sold at large prices. As long as the landlord reared and paid for these things himself, and the tenant did not object to have the impost put upon himself, he (Mr. Kinnaird) had no complaint. The people of Scotland, being an intelligent and well-educated people, did not like these things. He represented a burgh, and therefore was not under agricultural influence; but he should be perfectly ashamed of himself if he did not say that he sympathized entirely with his hon. Friend, who so worthily represented Perthshire, when he said that in Scotland there was a very strong feeling on this subject; and if the First Minister of the Crown did not pay attention to it, he would not have so many supporters at the next Election as he had at the last.

MR. BRUCE said, that Her Majesty's Government, recognizing the strong feeling which existed in Scotland on this subject, had endeavoured to deal with it in a Bill which had been for some time upon the Table of the House. That Bill dealt with the general subject of the preservation of game. It was as strong as it could be without infringing the rights of property; and he believed he would, at the proper time, be able to show that it was sufficient for the purpose for which it was designed—namely, of affording protection to the tenant, and ultimately of greatly reducing the quantity of ground game. He appreciated the difficulty in which the House was placed by the proposals respecting this question; but he did not think any further information was required in order to enable them to legislate upon the subject, and therefore he objected to the appointment of a Select Committee. He hoped that the House would have patience until a day could be found for a full discussion of the subject; and when that day arrived, he did not despair of convincing even his hon. Friend (Mr. Loch) that the measure introduced by the Government would, when fairly put into operation, afford adequate protection against the evil of which the Scotch farmers complained.

Main Question, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn.*

Committee *deferred* till *Monday* next.

COMMONS INCLOSURE BILL—[Bill 119.]

(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce.*)

SECOND READING.

Order for Second Reading read.

Mr. KNATCHBULL-HUGESSEN said, that at that late hour of the night he was very unwilling to detain the House; but that, as he had been unable to make any statement upon the introduction of the Bill, it was necessary that he should preface the Motion for its second reading by a few observations. He did not wish to conceal from the House that, by this measure, a considerable change in the law was proposed; but he would state, as concisely as possible, the nature of that change, and the reasons by which he thought it might be justified. He would not attempt to occupy the time of the House by any long argument concerning the history of waste lands, and the circumstances under which they originally fell into the hands of lords of manors and commoners. There were many persons who contended that these waste lands were as much the property of lords and commoners as any gentleman's meadow is his property, the only difference being that the boundary fence has been erected in the one case and not in the other. It was argued on the contrary, by many persons, that these lands were for the most part granted originally to lords of manors with certain conditions and duties involved, and that they held them rather as trustees acting for the public than as private owners. In that case, of course, wrong must have been done to the public by their continual inclosure and absorption into private estates. But as he (Mr. Knatchbull-Hugessen) wished to consider, and to lead the House to consider, this question in a practical point of view, he thought it would be better to discard for the moment the various theories on either side, and to take for a starting-point the manner in which the Legislature had regarded the subject, as evidenced by the last general legislation in 1845. Then the House would discover what had been the intentions of Parliament; whether those intentions had been carried out; and, if not, what alterations in the law might be required. The Act of 1845 followed upon a full and careful inquiry before a Committee in 1843. The object with which that Act was introduced must be traced, not only in the Act itself, but in the debates which preceded its becoming law. The Preamble of the Act stated—

> "Whereas it is expedient to facilitate the Inclosure and Improvement of Commons and other Lands now subject to rights of property which obstruct cultivation and the productive employment of labour;"

so that certainly one main object of the Act was to promote inclosures, and place them upon a more satisfactory footing. Lord Lincoln, who brought forward the Bill on behalf of the Government, stated this in his speech, and that it was sought to get rid of the difficulties which surrounded private legislation. He stated his belief that in 19 cases out of 20 injustice was done to the poor by these Committees, the fact being that the poor could not, whilst the rich could, attend in London to give evidence and protect their own interests. And Lord Lincoln further made use of these words—

> "My principal object, after the accomplishment of those views which I have stated to have determined me to introduce this measure, has been to secure to the poorer classes throughout this country a more extensive and effectual protection in their rights to common lands than they have heretofore enjoyed."

These words, and the perusal of the debates, really left little doubt as to the intentions of Parliament in the Act of 1845. How, then, had the Act operated? He (Mr. Knatchbull-Hugessen) would readily admit that, as a means of promoting inclosures, bringing land into cultivation, and simplifying titles after inclosure, the Act had been most effectual. Nor should those advantages be underrated. It must not be forgotten that, in many districts, the bringing of these lands into cultivation had been an unmixed advantage to the neighbourhood, and to the public. There might have been a time, therefore, at which it was desirable to facilitate these inclosures by legislation. The question was whether, looking at the altered circumstances of the case, it was not now rather desirable to point legislation in a contrary direction, and to regard mainly the preservation of open spaces for our crowded and increasing population. But if the Act had worked well in the above manner, wherein had it failed? He would give a brief answer from the last Report of the Inclosure Commissioners which he held in his hand. Since the passing of these Acts upwards of 531,000 acres had been inclosed. Of these, 364,173 acres had been subject to allotments for recreation or field-gardens, and the amount allotted had been 3,671 acres, or something like 1-99th part of the whole, which the public had received, whilst the rest had become the private property of lords and commoners. Now he must not be understood as casting any censure whatever upon the action of the Commissioners, who had felt their hands tied by the words of the Act of Parliament, and who, standing as arbiters between lords, commoners, and the public, had acted to the best of their judgment. But things had got to such a state that whilst the Commissioners, considering that Parliament had retained in its own hands the revision of, and right of veto upon, each inclosure, seemed to have left it to Parliament to see that the public received the full amount which Parliament intended. Parliament, on the other hand, seemed to consider that the Commissioners had done everything before the Bills confirming the Provisional Orders came before them, and, therefore, got into the habit of passing these Bills as merely formal measures, requiring no discussion. He must give credit to the hon. Member for Brighton (Mr. Fawcett) for having shown great activity in the matter, and having obtained the Committee which sat last year upon the Inclosure Acts. Several hon. Gentlemen who had served on that Committee were then present, and would bear out his assertion that the Committee considered and inquired into the subject with great care. Their recommendations—many carried by large majorities and some unanimously—were embodied in the Bill before the House; but Government had thought it right to go further, and to propose a larger change in the law. There were three parties to consider—the lords of manors, the commoners, and the public. The Government based their Bill upon the idea which he believed had been present to the mind of Parliament in 1845. He believed that Parliament had, in effect, intended to say this to persons desiring to inclose commons—"There have been hitherto many irregularities in inclosures and much insecurity of title. We will pass a law which will facilitate these inclosures, and enable you to obtain a simple, cheap, and sound title to your respective shares in the commons affected, by an inexpensive process. We do not compel you to inclose—we rob you of no right—we leave the lords even their veto upon inclosure; but if you choose to take advantage of our law, we require that in return, upon grounds of public policy, you shall give something to the public for whom we are acting as trustees." Well, then, since the passing of the Act the public had not received anything like a sufficient portion, according to his opinion, and Government now wished to make provision for a larger portion being secured to them in future cases of inclosure. He (Mr. Knatchbull-Hugessen) would briefly describe the main changes proposed by the Bill, and as the points of difference between himself and certain of his hon. Friends who did not agree with him could more properly be considered in Committee, he hoped the second reading might then be taken, and the principle of the Bill agreed to—namely, that larger provision should henceforward be made for the poor and the public. The first change proposed was, that the allotments for recreation grounds and field-gardens —one or both—should be compulsory in every case, instead of being left, as at present, to the discretion of the Commissioners. Government had proposed in the Bill that a tenth of the quantity inclosed should be so allotted, instead of a ninety-ninth, as had been the case; but the precise quantity would be a matter for consideration in Committee. He might here observe that he found many hon. Members, who had in view very large commons, objected to this provision. They said that in a common of, say 2,000 acres, an allotment of 200 acres, perhaps far from any population, would be preposterous. The idea of the Government was that, in such a case, the land might be sold, and the proceeds applied to the purchase of other land, or the improvement of other grounds, nearer to the population. But both as to the proportion, and also as to the question of dealing with commons of so large an extent in a different manner, he would be ready to listen to argument. It might be desirable to exempt from the operation of this Bill commons which contained above 1,000 acres; or it might be well to fix a maximum quantity for an allotment; but all this might be discussed in Committee, and he would entertain suggestions of amendment with every respect. Then the Bill proposed a change with regard to field-garden allotments, which were at present given subject to a rent-charge which was difficult of collection, and diminished the value to the recipient. Government thought that this rent-charge should be abolished, and that whatever was thus given to the labouring poor should be given free of charge. Then they proposed to deal with commonable lands, which were at present not subject to allotment. The House would remember the distinction between common and commonable land; the former being land over which rights were exercised in common during all and every part of the year; the latter lands over which rights of severalty existed during a portion of the year—that is to say, a man might crop the land and the common rights of others did not come in until his crop was cut and carried. Government thought that in all cases where the public had exercised rights for a certain portion of the year—a certain allotment should be given, though less in proportion than in the case where those rights had been exercised during the whole year. The next provision to which he would allude was, that which especially referred to suburban commons, in which cases he proposed that the consent of the local authorities should be required before inclosure, so that towns and large villages might not be deprived of open spaces in the teeth of public opinion. Some portions of the Bill of the right hon. Member for South Hampshire (Mr. Cowper-Temple) might have to be engrafted upon this portion of the Bill, which would have to be considered hereafter. Then came a recommendation of the Select Committee, which he had himself had the honour of proposing —namely, that provision should be made for paths and drives across commons, so that the public should not be deprived of their right of passage from one point to another, which might frequently be a great inconvenience. Then there were also provisions for more careful inquiry by the Assistant Commissioner before inclosure, as to the wants and feelings of persons residing near commons, and also for more detailed Reports by the Commissioners. There were various other minor changes proposed; but he had stated the principal points, and although he would willingly have gone into the subject at greater length, he hoped he had kept his word to the House, and not unnecessarily wearied them. His hon. Friend opposite (Mr. Walsh), who was about to move the rejection of the Bill, would probably tell him that he was trifling with the rights of property. He (Mr. Knatchbull-Hugessen) thought that if you wished the rights of property to be respected, you must exercise them with discretion. If you strained such rights, or grasped at rights which were of a doubtful character, you might, in the long run, peril far more than you could possibly gain. But with respect to the rights of property, he would remind the House that property of almost every kind was represented in that House, whilst he was pleading for those whom he might call the hand-labourers of the country, who were personally unrepresented there. He said that in no complaining spirit, nor would he ever condescend to make sentimental appeals to the House on such a subject. On the contrary, alluding to this which he called the hand-labour class — for the name of "working classes" did not accurately represent one class as distinguished from another—he felt, it was true, that this was a question specially affecting that class; but his knowledge and experience of English gentlemen and the House of Commons led him to the belief that the very fact of this hand-labour class being unrepresented would ensure for any question which specially concerned them the fullest and fairest consideration, accompanied by a tender regard for their interests. He thought that with a rapidly-increasing population, too much stress could hardly be laid upon the preservation of open spaces in the vicinity of crowded districts. This was one main object of the Bill, and Government desired to preserve such spaces without throwing undue impediments in the way of inclosures where they might be necessary. He hoped the Bill would be considered in a fair spirit; its framers had every desire to do justice to everyone in the alterations in the law which they proposed, and he trusted that the measure might meet with a favourable reception from the House.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Knatchbull-Hugessen.*)

Sir LAWRENCE PALK said, he would beg to move the debate be now adjourned. The hour was too late to enter on the discussion of so large a question.

Debate *adjourned* till *Monday* next.

ADVERTISEMENTS (STOLEN GOODS) BILL.

On Motion of Mr. Attorney General, Bill to amend the Law relating to Advertisements respecting Stolen Goods, *ordered* to be brought in by Mr. Attorney General and Mr. Solicitor General.

Bill *presented,* and read the first time. [Bill 159.]

DIVIDENDS AND STOCK (IRELAND) BILL.

On Motion of Mr. Stansfeld, Bill for extending to Ireland "The Dividends and Stock Act, 1869," *ordered* to be brought in by Mr. Stansfeld and Mr. Chancellor of the Exchequer.

Bill *presented,* and read the first time. [Bill 158.]

House adjourned at One o'clock
till Monday next.

HOUSE OF LORDS,

Monday, 13*th June,* 1870.

MINUTES.] — Public Bills—*First Reading*—Benefices * (130) ; Metropolitan Board of Works (Loans)* (131) ; Turnpike Trusts Arrangements * (132).

Second Reading—Wine and Beerhouse Act (1869) Amendment *(109) ; Gas and Water Facilities * (111).

Select Committee—Tramways * (107), *appointed.*

Committee — Report — Attorneys and Solicitors Remuneration (86) ; Appellate Jurisdiction (73-136).

Report — High Court of Justice (120-135); Norwich Voters Disfranchisement * (128) ; Bridgwater and Beverley Disfranchisement * (129).

Third Reading—Mortgage Debenture Act (1865) Amendment * (121), and *passed.*

NEW PEER.

Charles William Fitzgerald, esquire (commonly called Marquess of Kildare), having been created Baron Kildare of Kildare in the county of Kildare—Was (in the usual manner) introduced.

ATTORNEYS AND SOLICITORS REMUNERATION BILL—(No. 86.)

(*The Marquess of Salisbury.*)

COMMITTEE.

House in Committee (according to Order).

Clauses 1 to 3, inclusive, *agreed to.*

Clause 4 (The remuneration of attorneys and solicitors may be fixed by agreement).

Lord CHELMSFORD said, he desired to call attention to the unlimited scope of the measure. He had heard of no ground stated for the introduction of the Bill, except a very restricted one—the unsatisfactory nature of the existing arrangement by which conveyancing business was remunerated — that remuneration being in proportion to the length of the deeds or other documents. This arrangement, of course, offered a premium on prolixity, and there was no inducement to employ skill in abbreviating the prolix forms which at present prevailed. In 1864 his noble and learned Friend (Lord Westbury) brought in a Bill enabling attorneys to enter into agreements as to the amount of remuneration for conveyancing business; but it was objected to as having a larger scope, and it failed to become law. For himself, he saw no objection to allow these gentlemen to enter into agreements with their clients as to their conveyancing business. This class of business was usually considered the best part of the business of the profession; and persons of the highest character being employed in it, he was sure they would not abuse the power now proposed to be given them; but he very seriously objected to the Bill being extended to business of all descriptions, including actions at law and suits in equity, on account of the overreaching and oppression which would inevitably result. In many cases business of those kinds was undertaken by persons who were not of the highest character in the profession; they knew very well what the expenses were likely to be, and could thus take care to make very good bargains for themselves; and their clients being generally ignorant were not equally able to take care of themselves, and though it was true that the agreement might be brought before a Court, and, if unreasonable, set aside, the parties in nine cases out of ten would not be aware of this mode of redress, and would not know whether the agreement was a fair one. The Bill, moreover, exempted these agreements from taxation, so that they would be eagerly entered into for the purpose of avoiding the scrutinizing eye of the taxing officer. He should have much preferred it had the Bill been confined to conveyancing business; but he feared it could not be modified in this sense without being re-drawn. He had therefore drawn an Amendment to this clause, which provided that when such an agreement related to any action or suit, the amount payable in it should not be paid until the agreement had been examined and allowed by the taxing officer of the Court, who, if he deemed it not fair and reasonable, might require it to be referred to the Court, which would be empowered to reduce the amount, or to order the agreement to be cancelled, and the costs to be taxed in the same manner as if no such agreement had been made. Without such a proviso the operation of the Bill would be most mischievous. As however his Amendment had not been printed, he would not move it on the present occasion; but would leave it for their Lordships' consideration, and would move it at a subsequent stage.

THE MARQUESS OF SALISBURY said, that as the object of the Bill was to allow freedom of contract as far as possible, and to enable clients to get their work done at less expense, he saw no objection to the Amendment.

LORD ROMILLY said, he thought the Bill as introduced by the noble Marquess a very valuable measure, believing that many persons would abstain from bringing actions if they knew the expense beforehand. At present, if they asked an attorney whether he would undertake to carry on a suit for any specified sum, the answer was, that the law did not permit him to make such a bargain, but he believed the cost would not exceed that sum. He feared that the suggested proviso would not work well, but would prove merely an expensive form of taxation; for a person could not go before the taxing officer with evidence without expense. The opponent would not be bound by the agreement, for if he lost the action he would have to pay the taxed costs irrespective of the sum agreed on.

LORD CAIRNS, while generally approving the Bill, shared in the doubts of his noble and learned Friend (Lord Chelmsford), and therefore supported the proviso as a protection to the interests of ignorant clients. The Bill already provided that agreements entered into by guardians and trustees, who might not be very strict in a matter where the costs would not come upon themselves, should be subject to the certificate of the taxing officer, and it was expedient to extend this safeguard to agreements relating to actions at law. He would remind their Lordships that what the proviso proposed to accomplish was in strict accordance with the objects of the Bill.

LORD WESTBURY feared the proviso, if adopted without some qualification, would practically nullify the clause. He admitted that care was necessary; but he hoped this Bill would be more successful than the measure which he introduced some years ago.

LORD PENZANCE remarked that the terms of the proviso would not apply it to the Court over which he had the honour to preside. Unless this omission was supplied, very ignorant clients in the smaller class of cases would be much imposed upon.

THE LORD CHANCELLOR said, that the evil complained of was fully recognized, and everyone would admit that it was very desirable that some means should be found of remunerating professional services by some other standard than that of the length of the documents. He approved of this Bill, thinking it would, to some extent, wipe away the reproach by offering some inducement to brevity. The obvious reason of the present system of forbidding bargains was that, while in other agreements a man was advised by his solicitor, in an agreement with his solicitor he would have no advice or protection. The Bill would tend to the benefit of the community in the majority of cases—certainly as regarded the more respectable practitioners; and the 8th clause provided that no action should be brought on these agreements until the Court had been applied to, to see whether they were fair or not. There was also a clause protecting infants and married women, for whom protection was imperatively necessary. As to the class who, though legally capable, were incapable through ignorance, they had one kind of protection from the persons of whom his noble and learned Friend (Lord Chelmsford) was afraid, though not one much to be admired. These persons were not so few as to preclude competition among themselves, and the client would be in some degree protected by the competition as to who would transact the business most cheaply.

It was not desirable so to restrict the measure as to impede the operations of the more respectable class, whose clients would benefit from it. But he doubted whether the proposed proviso would not work harm rather than good.

Lord CHELMSFORD remarked that his noble and learned Friend's picture of all the attorneys in a neighbourhood assembling about the carcass like a flock of vultures proved the necessity of protecting the unfortunate persons who might fall into their clutches. In the majority of cases the money would be squeezed out of the client, the agreement never coming before the Court, and he hoped that to prevent overreaching and oppression his proviso would be agreed to.

Bill *reported,* without Amendment; and to be read 3ª on *Thursday* the 30*th instant.*

HIGH COURT OF JUSTICE BILL.

(NO. 120.) REPORT.

(*The Lord Chancellor.*)

Amendments *reported* (according to Order).

The LORD CHANCELLOR said, that, in view of the Amendment of which his noble and learned Friend (Lord Cairns) had given Notice, he had thought it right to consider whether his own views and those of his noble and learned Friend were so antagonistic as to necessitate the postponement till another year of a measure which both of them substantially approved. Such a delay he had been extremely anxious to avoid, as it would not in any case be possible to bring the new system of Courts into operation till Michaelmas Term, 1871. His noble and learned Friend (Lord Cairns) differed from him on two points. First, while concurring in the change in the Courts of Judicature recommended by the Commission over which he presided, he desired that the Court of Appeal should be a branch of the High Court, and not, as proposed in the Bill, a Court apart—a view in which he deemed himself supported by the Commission. He (the Lord Chancellor) had no objection to adopt that view, and was accordingly prepared to amend the Appellate Jurisdiction Bill in that sense. His noble and learned Friend contended, in the second place, that the rules of procedure essential to every Court should be framed before any change took place, and should be embodied in the Act. Now, the rules of the existing Courts, which it was proposed to consolidate, were no less than 2,800 in number; and although those of the consolidated Court would be less numerous, they could not be introduced into this Bill unless it were deferred for a year, in order that they might be framed. That proposal he (the Lord Chancellor) opposed; because he considered it impossible to frame rules for the guidance of a Court until the constitution of the Court was known. His own proposal, therefore, was to delegate the task to a Committee of the Privy Council, leaving it afterwards to the Court to make modifications. His noble and learned Friend, however, supported—with one exception—by all the noble and learned Lords who had addressed the House, urged that the rules should have the direct sanction of Parliament, instead of the indirect sanction of being laid on the Table of both Houses before taking effect. Now, although not satisfied that this course was preferable, he (the Lord Chancellor) was willing, by way of compromise, provided the constitution of the Court was settled—as it would be if the Bill passed—to superintend the framing of rules, obtaining such assistance as should be necessary, and to provide that, with the exception of one or two clauses, the Bill should not come into operation until these rules had received the sanction of Parliament. One of the exceptions would relate to the power to appoint a Lord Justice of Appeal in Chancery, pending and subject to those changes. It had not hitherto been deemed expedient to fill up the vacancy caused by the death of Lord Justice Selwyn, on the ground that any person appointed should be prepared to submit to the changes which Parliament might think desirable; and though this course had been much animadverted upon, he was happy to say that the appeals awaiting hearing, which in November were 33, none of them of older date than the previous June, were now only 36, although one appeal had lasted 11 days. Indeed, during the Chancellorship of his noble and learned predecessor (Lord Cairns) the Court of Appeal in Chancery twice cleared its whole paper — though, of course, a fresh one always followed the operation. The Government were desirous of avoiding any arrears in the business, by at once appointing a Lord Justice, subject to the provisions of the Bill. There was one feature of the measure which would take immediate effect: it related to the constitution of the Judicial Committee of the Privy Council; the Chief Judge in Bankruptcy, if a Privy Councillor, was enabled to sit, if appointed, on the Judicial Committee—which at present he could not do. He proposed, in deference to the objections which had been urged, to strike out the clauses relating to the Home Circuit; and there were a few other alterations, of a consequential nature, which he hoped would meet with their Lordships' approval.

Lord CAIRNS said, that so far as he was personally concerned, he was perfectly satisfied with the concessions of his noble and learned Friend. They would meet his objection to the separation of the new Court of Appeal from the High Court of Justice, and also his objection to the delegation to an extra-Parliamentary body of the settling of rules affecting the whole judicature of the country, He thought that, in assenting to these changes, his noble and learned Friend had taken a very wise course; and would, he trusted, have the satisfaction of seeing these Bills become law this Session, and thus of seeing the High Court of Justice constituted, although it would not come into operation until the rules had been sanctioned by Parliament. He had himself paid very close attention to the measure; but, as persons out-of-doors had not had a sufficient opportunity of considering the Amendments which had from time to time been introduced, he trusted—although recognizing the importance of expedition at this period of the Session—that the Bills would be reprinted, and that a few days would intervene before the third reading, in order that persons outside might become cognizant of the Amendments.

The LORD CHANCELLOR said, he proposed to fix the third reading for Friday.

Earl GREY said, he could not say a word in opposition to an arrangement concurred in by the two noble and learned Lords who had just spoken; but he confessed he regretted the change that had been made in the Bill, because he thought the mode originally proposed for settling the rules of the Courts was better than that which was substituted for it. He did not concur in the noble and learned Lord's jealousy of allowing matters of this kind to be determined by any other authority than that of Parliament, as he felt that the machinery of legislation in this country was getting absolutely choked by a too great an amount of business. The consequence of this excessive amount of labour which Parliament took upon itself was that the work was ill performed, Bills being passed in an imperfect and unsatisfactory state. It was impossible that it should be otherwise until some efficient means were adopted of lightening the heavy load of business which at present pressed on the two Houses, and of making greater use of subsidiary authorities in the preparation of measures for legislation. Much had of late years been done in that direction; and the drawing up a vast number of rules relating to the procedure of Courts of Law was, above all, a case where Parliament should not be encumbered with too much detail. Considering the numbers of both Houses, effective consideration of such detail was impossible; and he was persuaded that measures embodying such a vast amount of detail as that which was now before them would be much better prepared if they were submitted to the consideration of another authority, preparatory to their being presented to Parliament. The supreme control of Parliament should, of course, be maintained; but this would have been sufficiently done by the original proposal of the noble and learned Lord on the Woolsack—that the rules should not come into operation unless they had been laid before Parliament, and unless Parliament within a certain time refrained from expressing disapproval. Next Session there would probably be as great a pressure of business as at present; and a measure embodying these rules would occupy more time than might be expected or than was desirable, and might lead to a discussion which would probably be fruitless, and could not fail to obstruct other measures. It was taking a wrong view of the duties of Parliament to keep within its walls matters of detail of this kind. In the earlier history of Parliament they would find that the substance of the law was alone considered, and that it was left to the Judges to embody its wishes in statutes. He believed those earlier Acts, thus deliberately framed out of Parliament, compared advantageously with Acts passed under the modern system, under which Parliament took cognizance of every detail and wording.

LORD WESTBURY said, he should decline to follow the noble Earl (Earl Grey into the large historic question he had raised; but he must express his regret that his noble Friend, like others both in and out of the House, had allowed himself to be terrified by the bugbear of the immense number of rules and orders which would be necessary. All that was sought to be done was this—as they were going to abolish all existing Courts, and to constitute one High Court, and as it was necessary at the same time to abolish the separate forms of pleading, and to impose on them the obligation of one simple form, those who knew how essential forms were to justice required that the rules determining procedure should be embodied in a Bill and sanctioned by Parliament. These would be as different from minute rules of practice as principles were from its details; and, if properly framed, Parliament would avoid that "leap in the dark" which was as inexpedient with regard to our Courts of Justice as to any other part of our existing Constitution. It being known how the Courts were to act, the material forms necessary would, in the hands of his noble and learned Friend on the Woolsack, and competent assistants, extend only over a few pages; and the other forms necessary, which already existed, and in all probability would not be altered, would be easily dealt with; so that the noble Earl would be able next Session to read the Bill with great ease, and, he had no doubt, to understand what it contained. He agreed with him that many Bills were passed in an imperfect shape; but this was frequently owing to the infirmity of purpose of their promoters, who had not duly considered what was required. He regretted that a measure altering all our Courts should have been introduced without previous conference with the Judges, and should have been persevered with in spite of the remonstrances of the Common Law Judges. Had these things been abstained from, we should not have had different editions of the same Bill. He was obliged to complain of three sheets of Amendments to the Appellate Jurisdiction Bill having been only delivered at three o'clock that afternoon. Could it be expected that the House should be able to consider them? After the concessions made by the noble and learned Lord on the Woolsack, he did not wish to interpose any unnecessary delays; but he trusted that the noble and learned Lord would permit the Amendments to be printed, circulated, and considered before their Lordships were asked to proceed with the Appellate Jurisdiction Bill; because it was most important that the two Bills should harmonize with each other.

EARL GRANVILLE said, he agreed very much with what had fallen from his noble Friend (Earl Grey), and thought the question whether legislation of this nature should be worked out either in or out of Parliament was one on which laymen could form as good an opinion even as the noble and learned Lord who had just sat down. He was glad, however, to find that noble and learned Lords, to whom they looked for guidance on these subjects, now approved generally of the measure in its amended form. He wished to make a remark upon the very severe rebuke which the noble and learned Lord (Lord Cairns) had administered to himself on a former occasion, for having referred to the manner in which noble and learned Lords were accustomed to deal with any measure introduced by a Member of their own profession. He said there was a tendency, when one noble and learned Lord prepared a measure of legal reform, for the others to fall upon it and pull it to pieces. The noble and learned Lord opposite censured him, with considerably more warmth than he usually showed, for making that observation, declaring that it was neither amusing nor new, that it was without foundation in fact, and that it was unworthy of the position he held in that House to make it. The criticism that the observation was not amusing was perfectly irrelevant: he admitted that it was trite and common-place, as well as devoid of humour, although it seemed at the time to make some of their Lordships laugh a good deal. The observation he had ventured to make had undoubtedly been made over and over again not only by writers in the Press and by speakers in Parliament, but might be read in certain legal biographies, the tone of some parts of which he regretted, and which gave minute and almost painful descriptions of the way in which law Lords treated the legal reforms that they had not themselves introduced. He had looked back to see how many law Bills had been brought forward by noble and learned Lords in that House without being passed in the same Session since he had had the honour of sitting among their Lordships; and he found that during that period there had been 224 such Bills, almost all of which were rejected or withdrawn by the action of noble and learned Lords. He remembered the late Lord Lyndhurst once moving the second reading of a law Bill, when the late Lord Campbell got up and supported the measure, saying he was delighted to do so, because it was identically the same Bill which he had himself introduced in a previous year, but which was then rejected by the advice of Lord Lyndhurst. Lord Lyndhurst did not complain of that assertion, but, turning to his noble Friend the present Foreign Secretary, asked whether it was correct? The Foreign Secretary replied that it was; whereupon Lord Lyndhurst only said—"Well, that is one of the best jokes I have heard." All that showed that the statement he made the other night was quite borne out by the facts; and he could not admit that it was unworthy of his position to call attention to the serious stumbling-blocks which such a course threw in the way of great legal reforms. What had occurred that night, however, took the ground from under his feet. Legal reform was the very salt of that assembly; for nothing could give greater utility or greater reputation to their Lordships' House than the carrying of measures of that kind which were so much desired. What had happened that evening he regarded as a good augury that they would have the united assistance of noble and learned Lords in passing a legal reform of the greatest importance, and that no undue delay would be allowed to occur.

Lord CAIRNS said, he would not now attempt to answer the remarks of the noble Earl upon the observations he had made in a previous debate; but he supposed that the best course for him, under all the circumstances, to take would be—following the irregularity of the noble Earl—to give Notice that three weeks hence, on the third reading of the Bill, he would call attention to the noble Earl's speech.

Earl GRANVILLE reminded their Lordships' he was precluded by the rules of the House from taking any notice of the noble and learned Lord's rebuke on a former occasion.

Lord CAIRNS said, the noble Earl had been grossly irregular in referring that evening to a previous debate.

Further Amendments made; Bill to be read 3^{a} on *Thursday* next, and to be *printed*, as amended. (No. 135.)

APPELLATE JURISDICTION BILL.

(No. 73.) (*The Lord Chancellor.*)

COMMITTEE ON SECOND RE-COMMITMENT.

Order of the Day for the House to be put into Committee (on Second Re-commitment), read.

The LORD CHANCELLOR said, that his noble and learned Friend (Lord Westbury) had complained of the number of Amendments made in that Bill, as he said, at the last moment; but those Amendments were made in pursuance of arrangements entered into at least 10 days ago, and of which he thought his noble and learned Friend was aware. By those arrangements he had engaged to take care that the Appellate Court should be brought into the system of the High Court of Justice, making it a branch of that tribunal; and that was the sole purpose of the Amendments, which would in no other way change the effect of the Bill. He must say a word about the Judges whom he was supposed to have treated with contumacious disdain. Three of the Judges—one from each of the Common Law Courts—had approved that very measure by approving the report of the Committee on Judicature, on which the Bill was founded. He referred to Mr. Justice Blackburn, Mr. Baron Bramwell, and Mr. Justice Montague Smith. Mr. Baron Bramwell was particularly anxious that he should inform their Lordships that he did not concur in the resolutions of the Judges, and that he was not, in fact, present when they were arrived at. It was proposed that the Bill should be re-committed for the purpose of being reprinted with the Amendments. The measure would bring the

Appellate Court into unison with the High Court of Justice.

Lord CAIRNS said, there was a subject connected with this matter to which he desired to call attention, because, though one apparently more proper for the consideration of the House of Commons, yet it would not be well that it should be passed over in silence in their Lordships' House — he referred to the arrangements contained in the Bill with respect to the salaries of the Judges. He could speak on this matter with considerable freedom, inasmuch as no alteration was proposed in the salary of any existing Judge, with the single exception of his noble and learned Friend who presided with so much ability over the Rolls Court, who would rise to the position of President of an independent Court, and his salary would be put on a commensurate footing. But this Bill proposed to make a serious alteration in the salaries of succeeding Judges. The salaries in the chief Courts at present had been fixed, after long and careful consideration, in pursuance of the recommendations of the Committee on Salaries, which sat some years ago. The salary of the Lord Chief Justice was £8,000 a year, that of the Chief Justice of the Common Pleas, £7,000, and that of the Chief Baron £7,000. The Master of the Rolls had £6,000 a year, the Lords Justices of Appeal in Chancery £6,000, and the Puisne Judges and Vice Chancellors £5,000 a year each. But there was this further circumstance to be considered, the expenses to which some of those Judges were put with respect to circuit. These expenses were very large, exceeding £600 a year each, and he had heard the estimate put considerably beyond that sum. Therefore the Chiefs and Puisne Judges of the Common Law Courts had salaries diminished for all practical purposes by a sum varying from £600 to £1,000 a year. Now, this Bill proposed that for the future the persons who should fill the position of Chief Justice of the Common Pleas and Chief Baron of the Exchequer should have a salary reduced to £6,000 a year. If these Judges had to go circuit—and there was no provision that they should not—their salaries would have been cut down to a sum which would leave them in the receipt of little more than £5,000 a year. The Bill did not say that the salary of the Master of the Rolls was to be continued at £6,000; but if the expenses of circuit which fell on the Common Law Judges were taken into account, that salary would be higher than those the Chief Justice of the Common Pleas and the Chief Baron of the Exchequer would receive. With regard to the Lords Justices of Appeal, it had always been considered that there ought to be a difference between their salaries and the salaries of Judges of the First Instance. Their salaries were, however, to be reduced to £5,000 a year, while the Master of the Rolls, who would be sitting side by side with them, would remain at £6,000 a year. Now, these arrangements appeared open to very great objection; and, though it was not a matter which their Lordships could consider with the purpose of arriving at a decision upon it, still he was unwilling to have it supposed when the Bill should leave the House that their Lordships approved them. He entirely disapproved them, and he thought the policy embodied in them very shortsighted and very narrow-minded. Looking at the position which successful men at the Bar who might aspire to the position of Judges attained, and the incomes which they earned, he could not think that the salaries of the Judges—especially when the expenses of circuit were taken into account—at all too large. The expense of living had not been diminished since the Report of the Committee on Salaries had been made, and there was no reason that he could see for the proposed diminution. He hoped his noble and learned Friend and Her Majesty's Government would take this matter into consideration, and would propose in the House of Commons more liberal arrangements than were contained in this Bill.

LORD PENZANCE said, that on the second reading he himself pointed out the same defect—namely, that if the proposed Court of Appeal was to be constituted the Lords Justices would be placed in an inferior position to the Judges of the primary Courts. He believed that was a thing which had never been done with respect to the Judges of an Appellate Court. The principle involved in the change seemed to be erroneous, and he hoped his noble and learned Friend on the Woolsack would give it further consideration. With regard to the Judges of Common Law, it was supposed that they were placed in the same position as the Vice Chancellors and himself. It was true they would have nominally the same salary; but really they had very much less, because they were obliged to pay the expenses of circuit, which certainly were not less than £600 a year. That was a fact with which he believed a large portion of the public were unacquainted. They did not know that the expenses which the Judges went to while on circuit, in entertaining the sheriffs and other public functionaries, came out of their own pockets. He did see why the Judges of Common Law should not be placed in the same position in this respect as the Judges of the other Courts.

LORD ROMILLY said, he quite joined in the views expressed by his noble and learned Friends. When the new Vice Chancellors were appointed, the office was offered to one who was eminently fitted to fill it—he meant the late Lord Kingsdown—but he declined it because of the smallness of the salary; and the result was, that the services of one of our most eminent judicial men were in a great measure lost to the country. It is true that afterwards, having inherited a large fortune, he gave gratuitously to the country what he could not be tempted to bestow at the salary of £5,000 per annum, coupled with the loss of his professional income. There were, undoubtedly, a great number of good lawyers who would perform the service for £1,000 a year—and if put up to auction it might be done for less; but the great object was to secure the confidence of the country in the men who were appointed, and that could not be obtained unless they selected for Judges those who had had long experience as counsel, and who had shown what they could do. He ventured to say that if they diminished the salaries of the Judges, already reduced as they were by the great increase of prices, and likely to be still more reduced by the rapid influx of gold from foreign countries, they would never get leaders of the profession to fill the office; they would only get subordinate persons, who would not possess that public confidence which Judges ought to have.

THE LORD CHANCELLOR said, this was not a matter for prolonged discussion—it would be amply discussed "elsewhere"; but it was thought right that some notice should be given to their Lordships of what was proposed, though the details were not ultimately to be fixed in their Lordships' House. It was not without thought or consideration that the sums fixed for salaries had been inserted in the Bill; and he would state briefly the principle upon which the proposal was made. With regard to the Chief Justice of the Queen's Bench, he would remain exactly where he was, and so would the present Chief Justice of the Common Pleas and the Chief Baron of the Exchequer. With regard to the alleged anomaly of a larger salary being received by a Judge in a subordinate position, his noble and learned Friend who had just spoken (Lord Romilly) was an instance of that, for he was higher in rank than the Chief Justice of the Common Pleas and than the Chief Baron, and yet he received a smaller income. Their Lordships were all aware what his noble Friend the Master of the Rolls had done for the records of this country; but though he had additional work in connection with those records, he did not receive the same amount of salary as the learned Judges whom he had first mentioned. That was an anomaly which it was thought better should not be continued. As to the Judges of Appeal, the matter stood thus—it was not the case that all Judges of Appeal received higher salaries than those received by the Judges from whom the appeal might come. The Privy Council received appeals from India, where the Chief Justice and other Judges received very large salaries; and yet Sir James Colville, who had performed his duties in India so effectually, now heard these appeals, and only received the pension which he had earned by his services in India. Besides, Puisne Judges often sat now in the Court of Exchequer Chambers to hear appeals from the Chiefs of the Courts. The right criterion was not whether by the offer of a certain salary they could secure any man, but whether they could secure the best man. Lord Kingsdown had been mentioned by his noble and learned Friend. Well, Lord Kingsdown was one of the fittest men that could be secured; but having a very large fortune, it was not very surprising that he did not choose to fill the office of Judge at £5,000 a year. But what did Lord Kingsdown do? He came to their Lordships' House and gave his most valuable aid in hearing appeals, and did the same in the Privy Council, without any salary at all. Therefore the matter was not to be entirely judged of in that way. The sum of £5,000 a year was, in truth, determined on this principle. Lately three Judges were added to the Common Law Bench—the number having been raised from 15 to 18. It was thought at the time that the number was rather greater than would be required by the additional labour involved in trying Election Petitions. But in making an available Court of Appeal they found that they should have one more Judge of Appeal in the High Court of Justice, and they did not think it right that every Judge who should have a seat in the two Divisions should have £6,000 a year. The Judge had many troublesome things to attend to. He would, among other things, not only have to sit many times in the Court of Appeal, but would have at least twice a week to attend at chambers after his Court had risen. He had, therefore, no doubt that the Court of Appeal could be established at the cost contemplated in the Bill.

LORD CHELMSFORD was understood to remind the noble and learned Lord that the Members of the Judicial Committee received no salary for the performance of their duties.

House in Committee accordingly.

Bill *reported* without Amendment; Amendments made; Bill *re-committed* to a Committee of the Whole House on *Friday* next; and to be *printed*, as amended. (No. 136.)

STANDING ORDERS—THE ORDER OF DEBATE IN THIS HOUSE.

RESOLUTION.

LORD CAMPBELL, in rising to move the following Standing Order:—

> "That if two or more Peers rise to speak at the same time the Lord Chancellor, and when the House is in Committee the Chairman of Committees, shall call on one of them to proceed, unless the House do otherwise order,"

said, that their Lordships were now arriving at a period of the Session when their sittings would be prolonged, and when the necessity for such a provision as that which he advocated would be felt. He could remind their Lordships of many cases of confusion and clamour, which had arisen in consequence of two or more Peers rising together, and there being no arbitrary power to decide between the contending parties, but he would refer only to what occurred last year during the debates on the Irish Church Bill. It was no secret that during those debates the noble Duke who occupied the high office of Chancellor of the University of Cambridge (the Duke of Devonshire) would not have been able to deliver his opinion but for the interference of a noble Marquess on the cross-Benches, who moved that the noble Duke be heard. The present proposition was the result of a conference with many noble Lords, who all felt that the present system was attended with much inconvenience, and was calculated to suppress Parliamentary ability by preventing Peers who might be well acquainted with the subject in hand, and who were well deserving a hearing, from delivering their opinions. To avoid the chaos which would otherwise result from the existing system, it was notorious that, when long debates were expected, the Leaders of both sides of the House were in the habit of arranging a programme for the evening; but while there were many Peers who, from diffidence, would not care to announce themselves as intending speakers, there were others also whose claims on the Leaders of political parties could not insure them a hearing. With regard, for instance, to the Members of the right rev. Bench, the spirit of their Order and the sanctity of their vocation compelled them to hold aloof, and under the present anomalous and undesirable system they might possibly again witness the spectacle of a right rev. Prelate endeavouring for some minutes to obtain a hearing amid the cries and clamour with which his appearance was greeted. The present Order would only very slightly increase the powers of the Lord Chancellor, for the noble Lord, as Speaker of the House, had already authority to repress conversation and interruptions behind the Woolsack; and the power he proposed to vest in the Chairman of Committees was analogous to that vested in the Chairman of Committees in the other House of Parliament; and such a power could excite no opposition, as the noble Lord was appointed by the House

He should not be surprised if both the Leader of Opposition and the Leader of the Government in that House voted against his Motion, but he did not think their opinion should prevail in this matter; nor should he be astonished if the Motion were resisted by the noble and learned Lord on the Woolsack and also by the Chairman of Committees, partly because they would naturally shrink from new duties and responsibilities, and partly because the Motion might be supposed to lead to the augmentation of their salaries, and it might be thought becoming to indulge in a few graceful terms of self-disparagement. The House, however, which was accustomed to listen to them with gravity, would know how much attention their opposition deserved. If the Standing Order he proposed were declined, what was the alternative? It had been suggested not many years ago by a Committee of their Lordships' House that the Lord Chancellor should quit the Woolsack altogether and be replaced by a Speaker whom the House might choose. He thought that a change less violent and startling might be admitted before that conclusion was arrived at. With that view he proposed the Standing Order of which he had given Notice.

Moved, That the words following be added to the Roll of Standing Orders:—

"That if two or more Peers rise to speak at the same time the Lord Chancellor, and when the House is in Committee the Chairman of Committees, shall call on one of them to proceed, unless the House do otherwise order."—(*The Lord Stratheden.*)

THE MARQUESS OF SALISBURY said, it was well known that the due maintenance of order in their Lordships' House had been the favourite theme of many enthusiastic reformers; but up to the present, he rather feared, without much effect. He was amused in looking round the House while the noble Lord talked of the Lord Chancellor keeping order—for what did he see? Why, every Member of the Government was talking to his neighbour, and the noble and learned Lord himself was talking to the Judge of the Divorce Court on the Woolsack. That did not give a very fair prospect of success to the proposal of his noble Friend, for which he confessed he was himself somewhat anxious. He was not very fond of introducing their old friend the "intelligent foreigner," but there was no occasion on which his introduction could be more fitting. Nothing was more imposing than the aspect of the House of Lords during a great debate, so long as the speeches were going on; but when a speaker sat down and several others wished to address the House, what did the "intelligent foreigner" see? He saw several figures get up in various parts of the House; and the mode in which the question was decided who should be heard could only be described as a renewal of the "O. P." rows in the theatre. He was himself accustomed to the thing, and, having studied the phenomena with much interest, he might say that the chance of any noble Lord depended very much on the distinctness and loudness with which he might call; and it also somewhat depended on the length of his name, for very little attention was paid to anyone with a monosyllabic name. But, seriously, there were two great evils to which the present system gave rise. There was, first, the scandal and disorder of the somewhat noisy scenes that might arise; and, secondly, it practically did to a great extent tend to the discouragement of debating in that House. Those who had been Members of the House of Commons, looking back on their early experience, could not help congratulating themselves on the fact that the eye of the Speaker did not always fall on the most eminent speakers —it looked all round, and thus the young Member often caught the happy chance of speaking; while any assembly must naturally be always anxious to hear those they were most accustomed to, and for whom they had the greatest respect. What was the effect of that? The effect was, that the debates in their Lordships' House were mainly filled up by those already eminent in debate, and that the succession of debaters was in danger of being stopped. Those who had fought the battle in the House of Commons had acquired a certain freedom from bashfulness; but such as had not that advantage naturally shrank from the tremendous ordeal of forcing themselves on their Lordships' notice, and in a condition of life with temptations to industry not very great, and to sit down to a silent discharge of duty as an hereditary legislator very strong, he thought such influences had no mean effect in preventing the training of future orators and statesmen which that House, no less than the other, ought to furnish. He was quite aware that the necessary freedom from bashfulness to which he had alluded had been acquired by some distinguished Members of their Lordships' House without passing through the other House; but anything which tended to discourage new men coming forward must prevent their debates from acquiring the interest they would otherwise possess; while to diminish the future supply of speakers was restricting the only training for statesmen which was recognized in England, and, therefore, was not only detrimental to the interests of the House itself, but pernicious to the interests of the public. It was very difficult to speak on this subject without appearing to use language too large for it. The subject was a small one; but he felt it of sufficient importance to call for the consideration of the noble Earl (Earl Granville) opposite, who took so much interest in everything likely to promote the order and the convenience of their Lordships' House.

EARL GRANVILLE must say he thought the remark of the noble Marquess (the Marquess of Salisbury), that the younger Members of the House had not, under the present rule of proceeding, a proper opportunity to take part in the debates, was not just, for of late years several young Members, whose speeches gave promise of future excellence, had engaged their Lordships' attention. But the course of proceeding at present observed was not a new state of things, but had been going on for years and years; and he was not aware of any remarkable coyness of the present generation as compared with former generations. With respect to the House of Commons, there was in connection with the party on each side of the House a very useful person, and it often happened that he was induced to go and tell the Speaker in a whisper that there was a young man desirous of making his maiden speech, and the Speaker then let the young gentleman catch his eye. In like manner, in their Lordships' House, if a young Peer told his neighbour that he intended to speak, the general rule was that he, in the event of other Peers rising with him, was called on to speak; and if it happened to be the first time of his presenting himself to their Lordships' notice, even the most eminent men in the House were disposed to give way to him. The House of Commons had a weapon in its energy and roughness, he might say, which their Lordships did not possess, and by its means the Members exercised a police over their debates, independent of the Speaker, which their Lordships could not exercise. When the House of Commons expressed unwillingness to listen to a speaker, it required great moral courage in a Member to persevere in addressing the House against the general feeling. If, however, the Lord Chancellor should be suddenly called on to make a selection among three or four eminent men, all desirous at the same time of addressing their Lordships, it would be extremely difficult for him to exercise his discretion in a manner satisfactory to himself. There was not, in his opinion, any such advantage in the proposed change as to induce their Lordships to agree to it.

THE MARQUESS of CLANRICARDE thought that the noble Earl had given no sufficient reason against the proposition. The noble Earl alluded to the decorum maintained in their Lordships' House; and he (the Marquess of Clanricarde) had hitherto preferred retaining the power the House had always exercised; but it should be remembered that the number of Peers in the House had of late years been greatly augmented, and he was not aware that it had been found possible to keep order in any numerous assembly without appointing a Chairman for the purpose. He trusted that the Government, if they objected to adopt the present proposal, would take the matter into consideration.

THE DUKE OF RICHMOND said, that this could not be considered a party question, inasmuch as he agreed with the noble Earl the Secretary of State for the Colonies in respect to it. The noble Marquess who last spoke said that the Government had given no reason why the Motion should not be agreed to; but a very potent reason was really given when it was stated that they had gone on for a considerable time with the present practice without inconvenience. In that case, he asked, why should they not leave well alone? From his experience in their Lordships' House, as well as in the House of Commons, he could state that any Member rising to speak on a subject with which he was known to be acquainted, and in reference to which he could impart information, always found an attentive hearing. He failed, moreover, to discover any reason for supposing that the proposal now made would have the effect of increasing the number of speakers in their Lordships' House.

Lord CAIRNS put the case of a number of noble Lords rising at once to address the House, and of the Lord Chancellor also being anxious to speak at the same time. He asked, under these circumstances, what the Lord Chancellor was to do?

The LORD CHANCELLOR desired to remind their Lordships that, on a former occasion, he had mentioned two conclusive reasons why it was not desirable to give such power as now proposed to the occupant of the Woolsack. The first was, that the Speaker of the House of Commons was elected by that House; whereas the Lord Chancellor was appointed by the Crown. The other reason was, that the Speaker was always chosen from among those who had long experience of, and were acquainted with, the forms and customs of the House of Commons, and whose decision carried with it weight and confidence. The Lord Chancellor, on the contrary, was—especially if recently appointed—comparatively new to the House of Lords, and could not be supposed to be acquainted with all its customs and forms, and his decision, therefore, would not carry with it due weight, and might be suspected of partiality as he was not chosen by their Lordships. He therefore thought it unreasonable to expect that the Lord Chancellor could discharge the duty now sought to be imposed on him with satisfaction to himself.

Lord CAMPBELL would remind their Lordships that he did not in any way propose to give the noble and learned Lord on the Woolsack the power of rebuking irregularities, or any authority whatever, except that simply of naming which of two Peers should be entitled to precedence. He rejoiced to hear that the Division which would now be taken would not in any way be regarded as a party Division.

The Marquess of SALISBURY said, he would suggest to the noble Lord whether it would not be better, instead of proceeding to a Division, the effect of which would be to pledge the House against the proposition, to leave the matter where it stood, and allow time for the conversion of noble Lords who might possibly support such a proposition on a future occasion.

Lord CAMPBELL said, that in deference to the authority and wishes of the noble Marquess, he would withdraw his proposal.

Motion (by Leave of the House) *withdrawn.*

House adjourned at half past Seven o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 13*th June*, 1870.

MINUTES.] — Public Bills — *Ordered—First Reading*—Salmon Acts Amendment * [163].

First Reading—Ecclesiastical Patronage Transfer * [160].

Second Reading—Merchant Shipping Code [24]; Merchant Shipping, &c. Acts Repeal [55]; Board of Trade [56].

Committee — Report — University Tests [105]; Stamp Duty on Leases [59-161]; Annuity Tax Abolition (Edinburgh and Montrose, &c.) Act (1860) Amendment * [62-162]; Protection of Inventions * [157]; Magistrates in Populous Places (Scotland) * [121]; Wages Attachment Abolition * [131].

Third Reading — Jewish United Synagogues * [151]; Saint Olave, &c. Charities * [152], and *passed.*

SPAIN—TREATY OF COMMERCE.

QUESTION.

Mr. GRIEVE said, he wished to ask the Under Secretary of State for Foreign Affairs, If he will be good enough to inform the House what progress has been made in regard to a new Treaty of Commerce with Spain; and, whether the Fishery interests of British North America have been duly and favourably considered, and what prospect there is of a reduction of the Duty now levied on dry cod fish imported into Spain?

Mr. OTWAY, in reply, said, he was unable to say that any progress had been made with regard to the proposed Treaty of Commerce with Spain since a Question had last been addressed to him upon the subject. Objections had been made with reference to the proposed reduction of the wine duties, which had not yet been overcome. Neither could he say at present whether there was any prospect of a reduction being made by the Spanish Government in the duties now levied on dry cod fish.

ARMY—13th LINCOLNSHIRE RIFLE VOLUNTEER CORPS.—QUESTION.

Mr. WELBY said, he would beg to ask the Secretary of State for War, Whether it is true that Messrs. John Preston and Alfred Woodrow have been dismissed from the 13th Lincolnshire Rifle Volunteer Corps without either a court of inquiry being held or an opportunity of explanation or defence being afforded them; if so, whether he will state the circumstances under which they were dismissed, and say if he is willing to grant a court of inquiry, or in some other way to give them an opportunity of being heard?

Mr. CARDWELL: Sir, a controversy having arisen in the corps which led to the removal of a quartermaster-sergeant, an unauthorized meeting of more than 30 members of the corps was held, at which resolutions were carried condemnatory of the course pursued towards the quartermaster-sergeant, and a committee appointed by whom those resolutions were signed. The Lord Lieutenant said—

> "He could only suppose that the meeting had erred through ignorance; and, if he was assured that such was the case, he would take no further notice of its proceedings. But if a similar case should occur again it would be his duty to take such severe measures as would probably result in the disbanding of the corps."

The Lord Lieutenant reported the case to the War Office, and their services have been dispensed with. Their proper course is to apply to the Lord Lieutenant, and put themselves in a proper position before him. This course has been pursued by one of the number, and he has been reinstated on the recommendation of the Lord Lieutenant.

KEBLE COLLEGE.—QUESTION.

Mr. VERNON HARCOURT said, he wished to ask Mr. Solicitor General, Whether a Charter has been granted by the Crown incorporating a new College in the University of Oxford called Keble College; if so, whether by such incorporation the Keble College will come within the operation of the Bill now depending for the repeal of Religious Tests in the Universities; and, whether there will be any objection to lay a Copy of such Charter upon the Table of the House?

The SOLICITOR GENERAL said, in reply, that it would be seen that the Question of the hon. and learned Member was three-fold. In answer to the first and the last part of the Question, he begged to state that he had every reason to believe that it was true that a charter had been granted to Keble College, and he saw no objection whatever to laying that charter upon the Table of the House. It was at present, however, accessible to all who were desirous of ascertaining its contents. He had some difficulty in replying to the second part of the Question; but his impression was that, as Keble College was now a College having a charter, it would be a subsisting College within the meaning of the Bill.

BRITISH REGIMENTS IN INDIA.

QUESTION.

Mr. EASTWICK said, he wished to ask the Under Secretary of State for India, Whether with reference to the expenditure for recruiting the British Regiments in India, and for Transport of Troops to and from India, any steps are being taken by the Home Indian Government to reduce the amount?

Mr. GRANT DUFF: Sir, the reduction by every proper means of the Indian military charges constantly occupies the attention of the Secretary of State in Council; but my hon. Friend is, no doubt, aware that in all matters relating to the European troops, the views of the War Office and the interests of the British Exchequer count for a great deal. A Committee, composed partly of gentlemen belonging to the War Office and partly of gentlemen belonging to the India Office, is at this moment carefully considering the question of recruiting, with a view to coming to some arrangement which may be advantageous alike to the British and to the Indian taxpayer.

BRAZIL—CREW OF THE "MARY HAMILTON."—QUESTION."

Mr. FINNIE said, he wished to ask the Under Secretary of State for Foreign Affairs, If any further information has been received at the Foreign Office, since the 20th March last, respecting the fate of the crew of the "Mary Hamilton," who have been detained in prison in Rio de Janeiro on an unsubstantiated criminal charge, since the date of their trial and acquittal on the 20th December 1869?

Mr. OTWAY replied, that the matter referred to by the hon. Member had been made the subject of various communications addressed to Her Majesty's Minister at Rio. The facts of the case were these—and he hoped his statement would be received by the hon. Member for Greenock (Mr. Grieve) as an answer to his Question on the same subject, which appeared at greater length on the Paper than that of the hon. Member for Argyllshire (Mr. Finnie). On the 26th March the crew of the *Mary Hamilton* were arrested at Rio, at the instigation of the British Consul, on a charge of mutiny and of having murdered their captain. At the inquest several witnesses were examined, some of whom were Englishmen and captains of ships in the harbour. The statement made by the murdered man when he was dying was read. The result of the inquest was that the prisoners were put upon their trial, and were acquitted. It appeared that, according to the Brazilian law, the Judge of a Criminal Court, if dissatisfied with the verdict in a particular case, could direct an appeal to another Court; and in the present instance he had exercised such power, the Judge being of opinion that the statement of the dying man was deserving of much more reliance than the conflicting testimony of the witnesses examined. The men were, therefore, awaiting a new trial before a new Judge, which trial was to take place in the course of this month. The delay in the hearing of this case before the new tribunal was occasioned by the fact of seven other cases of importance standing for trial before this one; and also was caused by the difficulty of getting together a jury. But those difficulties having now been nearly surmounted, there was no doubt that the trial would take place without any further delay.

CIVIL SERVICE COMPETITIVE EXAMINATIONS.—QUESTION.

Lord CLAUD JOHN HAMILTON said, he would beg to ask the First Lord of the Treasury, with reference to the Order in Council, dated 4th June, Upon what system the selection of the Government Offices to be thrown open to public competition has been made; and why certain Offices—viz., the Home and Foreign Offices have been omitted, whilst others such as the Treasury, Colonial Office, and Admiralty, have been included? He would further beg to ask the First Lord of the Treasury whether, in his opinion, the duties of the clerks in the three last-mentioned Offices are of the same important and confidential character as that of the two others that have been omitted?

Mr. GLADSTONE: Sir, the Government has thought it to be its duty, and to be in accordance with sound policy, not to give at once an authoritative decision, binding the head of every Department in his separate capacity, but has considered that it would act more in the interests of this important question, and more to the satisfactory working of the system, if it allowed the heads of Departments to speak upon the applicability of the new system to their own Departments. It must be recollected that this is, to a considerable degree, an experimental matter, and cannot be treated as if all the questions connected with it had been completely solved by experience. Some have considered that the head of each Department is, in the main, the best judge of the advisability of immediately adopting the new question. The exception of the Foreign Office rests upon the peculiar nature of the duties of that Office. With regard to the Home Office, it is proposed by my right hon. Friend the Home Secretary immediately to adopt the new system of open competitive examination in all the sub-departments that are placed under the Home Office—such as the Survey Board, the Police, and other Departments. As to the Home Office itself, it is the opinion of my right hon. Friend that, from the highly confidential and delicate nature of a large portion of the duties that are performed in that Office, it would not be wise, without further information and experience, to adopt the new system which is about to be put in operation in the other Departments of the State.

FOREIGN POSTAGE.—QUESTION.

Mr. CRAWFORD said, he would beg to ask the Postmaster General, Whether, when the intended reduction of Postage on Letters passing between this Country and France has been carried into effect, it will not be fair and equitable to make a corresponding reduction on the Postage of Letters passing through France by the Overland Mails to and from the East?

The Marquess of HARTINGTON, in reply, said, the additional Postal Convention agreed upon last September, which would come into operation on the 1st of next month, provided only for a rate for international letters, and was not connected in any way with the transit rate payable for mails conveyed through France. It was not, therefore, proposed that any reduction should be made in the inland rates.

COST OF INK FOR THE PUBLIC SERVICE.—QUESTION.

Mr. CRAWFORD said, he wished to ask the Secretary to the Treasury, To state the quantity and cost of the ink annually purchased for the public service; and, whether it is supplied by private contract with any one or more firms, or by public tender?

Mr. STANSFELD replied that the quantity of ink purchased was 7,916 gallons of liquid ink and 169,392 lbs of ink powders. The cost was £3,212 6*s.* 6*d.*, of which amount £1,500 was purchased and paid for by the East Indian Government. The whole was supplied by private contract.

INDIA—INCOME TAX.—QUESTION.

Sir DAVID WEDDERBURN said, he wished to ask the Under Secretary of State for India, Whether it is the case that the Act raising the Income Tax from one per cent to three and one-eighth per cent received the assent of the Governor General of India on the 5th of April 1870; and, whether the report is correct that the salaries of public servants in India have been taxed at the rate of five and a quarter per cent for the month of April last, the additional Income Tax of two and one-eighth per cent being thus doubled for that month; and, if so, what is the reason for such a course of proceeding?

Mr. GRANT DUFF stated with regard to the first Question of the hon. Baronet, he had to say that his statement was correct. With regard to his second Question the Government had no information; but as the Act, although passed on April 5, took effect from April 1, it was quite possible that in respect of payments of salaries made between the 1st and the 5th some arrears of income tax might have to be subsequently recovered.

SCOTLAND—ABERDEEN POST OFFICE. QUESTION.

Colonel SYKES said, he would beg to ask the Postmaster General, Whether he has received a report from the Inspector he deputed to visit Aberdeen to ascertain the capabilities of the present Post Office to meet the requirements of the business; and to ask with what result?

The Marquess of HARTINGTON, in reply, said, he was aware that the Post Office at Aberdeen was insufficient for the requirements of the place, and it was thought better to build a new office. No site, however, had yet been obtained for the purpose; but he could assure his hon. and gallant Friend that the accommodation would be increased as soon as possible.

ELEMENTARY EDUCATION BILL. QUESTION.

Lord ROBERT MONTAGU said, he would beg to ask the Prime Minister, Whether he intends to proceed with the Committee on the Elementary Education Bill day by day — that is, during four days a week—and to commence Morning Sittings?

Mr. GLADSTONE: Sir, I am very glad to interpret the Question of the noble Lord as a guarantee on the part of those who sit beside him that they think the time has now arrived for holding Morning Sittings. I am very much disposed to agree with the noble Lord that, considering the great importance of the Elementary Education Bill, and the desirableness of expediting its passing, the time has now arrived when we may ask the House, from Friday next, to have Morning Sittings, especially for the purpose of prosecuting that Bill. It is our intention to go on with the Bill without interruption as a general rule; I cannot say absolutely without any interruption, but it will be proceeded with, so far as we can, with rare interruptions

TURKEY — THE FIRE AT CONSTANTINOPLE.—QUESTION.

Mr. RYLANDS said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether the statement published in some of the newspapers that the British Embassy House at Constantinople was totally destroyed by the disastrous fire that had recently occurred there, was actually the case? He hoped that the Under Secretary would be able to state the precise extent of the damage done by the calamity.

Mr. OTWAY regretted to say that very great damage had been done to the British Embassy House at Constantinople, although it had not been totally destroyed. There had also been great loss of life; but the life of no one connected with the British Embassy had been sacrificed. Every precaution had been taken to prevent the destruction of the Embassy House. The fire engines were in order, and everyone was stationed at his post; the iron shutters were closed, the seamen of the *Antelope* were landed to assist, and every means was taken to extinguish the fire, but without any good result. A telegram from Sir Henry Elliot stated that the ground floor of the Embassy House was comparatively little injured, but above that the walls only remained. It was not possible to save anything from the bed-room floor, all personal effects and clothing having been abandoned. The loss of life was greater than on any previous occasion, and numbers of victims were hourly discovered. The archives and plate belonging to the Embassy had been saved.

UNIVERSITY TESTS BILL—[Bill 105.]

(*Mr. Dodson, Mr. Solicitor General, Mr. William Edward Forster.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Interpretation of terms).

Mr. J. D. LEWIS, who had given Notice of an Amendment, in line 27, after "professorship" to insert "other than a professorship, assistant or deputy professorship of divinity, theology, or ecclesiastical history," said, his object was the same that was aimed at by other Amendments which were shortly to come on, and which would make the Bill really what it professed to be, by throwing open offices in the Universities to all persons without distinction of creed. If, however, those Amendments were passed as they stood, Divinity Professorships might be held by laymen. Now, he thought they ought to be excepted. He had, therefore, given notice of this Amendment; but if the subsequent Amendments placed on the Paper by the hon. Member for Brighton (Mr. Fawcett) and himself were not accepted, it would be wasting the time of the House to discuss the matter now. He would, therefore, withdraw the Amendment for the present, and bring it up, if necessary, on the Report.

Amendment, by leave, *withdrawn.*

Lord EDMOND FITZMAURICE, in rising to move the Amendment which stood in his name, said, it had originally been his intention to discuss the question his Amendment related to as one of principle; but it would now be unnecessary for him to do so, as the Solicitor General had stated, in the course of the debate upon the second reading, that Heads of Colleges were excepted from the Bill; not upon principle, but in consequence of practical considerations which, in fact, resolved themselves into a feeling of deference to the deputation from the Universities which waited upon the First Minister of the Crown in December last. The hon. and learned Gentleman omitted, however, to state the circumstances under which the deputation made that request, and he would, therefore, briefly refer to them. When the great meeting in favour of the abolition of tests was held at Cambridge in November last certain "grave and reverend seigniors" came in and gave their assistance. These formed an important part of a Committee appointed to investigate the subject, and it was, at their suggestion, agreed to recommend the exemption of Heads of Houses from the operation of the measure. Subsequently, the Oxford portion of the deputation was induced to give way to Cambridge on this point, although the idea had never been originally entertained at the former University. In confirmation of this, he desired to call attention to a statement which many Members had no doubt seen in that morning's papers. At a meeting held at Balliol College, Oxford, on the 4th of this month, and presided over by Professor Jowett, a resolution was moved by Sir Benjamin Brodie, in favour of including Heads of Houses in the Bill. It was further stated that although the requisition to that effect was only in circulation for a week, it received no fewer than 66 signatures of gentlemen occupying the highest positions in the University. He thought, therefore, he was justified in saying that the real feeling of those who represented the Liberal party in that University was not in favour of excluding Heads of Houses from the operation of the Bill. But, however this might be, it was the duty of the House of Commons to consider the feeling of the country at large on the subject, and also to look at the practical results of this omission. What the opinion of the country was was well known. As regarded the practical results, they would be to perpetuate those religious differences which it was the object of the Bill to destroy. The Heads of Houses, assisted by the clerical Fellows, would form a garrison in every College. Hon. Members doubtless recollected that it often happened that in ancient treaties clauses were inserted by which one state retained the right of garrisoning the citadel in a town belonging to another. The usual result was a bombardment on the earliest occasion. The example would not be lost. A clerical bombardment would ensue. On the other hand, if the Heads were inclined to act loyally, they would be the continual objects of suspicion, especially as the patronage of the Colleges was generally vested in their hands. In conclusion, he hoped that the Government would accept his Amendment, and thus add to the debt of gratitude owing to them by all University Liberals. He begged leave to move, in line 28, after "lectureship" to insert "headship of a College."

MR. GLADSTONE: Sir, I have a request to make of my noble Friend (Lord Edmond Fitzmaurice) which I hope he will not think unreasonable, considering the peculiar circumstances under which it is made, especially as the Government cannot take to itself any blame in the matter. The request is, that he will postpone the raising of this question till the Report of the Bill is brought up, when an opportunity shall be given him of treating it with the same convenience as at the present stage. I will briefly state the grounds upon which I make this request. During the autumn, communications were held between the Government and those whom I may call the Liberal party in the two Universities, through the medium of a deputation which came up to London and conversed with me on the subject of academical tests. The gentlemen who represented the Liberal party at Cambridge made it a portion of their plan that the Headships of Colleges were to be reserved and excluded from the operation of the Bill. As I understood, they had made a sort of compact among themselves, and had been joined in the movement for the general repeal of tests by persons who would not have acted with them except out of consideration for this particular reservation. The gentlemen who represented Oxford never shared in this opinion respecting heads of Colleges on its merits; but, viewing the expediency of obtaining as much union of opinion as was possible, and on other grounds extrinsic to the merits of the question, they likewise concurred in the request made by the gentlemen from Cambridge. Subsequently the Dean of Christ Church, on the part of the academical Liberals in both Universities, forwarded me a draft Bill from the operation of which Heads of Colleges would be exempted. It was in this shape that the subject was brought before the Government; and the Government, having regard to this union of sentiment for the purposes of action, thought that, on the whole, it would be wise and prudent for them to adopt the framework of the measure which had been suggested to them with so unusual an amount of concurrence of opinion. They, therefore, did not enter into a consideration, as a Government, of the intrinsic value of any such reservation, but regarded the matter simply on the ground I have described, and accordingly introduced this reservation into the framework of their Bill. It partook, therefore, of the character, I will not say strictly of a covenant, but of an understanding between the Government and those who had preferred the request—for I must assert, in the strongest and most definite manner, that whatever be the private opinions of any gentlemen in Oxford, including the 66 to whom my noble Friend referred, the request made to me by the Dean of Christ Church in the letter accompanying the Bill was that the Headships might be reserved. I will not say that the Government is bound by that, and still less do I say the House is bound by it, because I agree with my noble Friend that the opinion of no body of men at Oxford or Cambridge can be decisive in a matter of this kind. But although I had been in communication with the deputation from the Universities for six months, it was not till last Saturday morning that I received a communication signed by eminent members of the University of Oxford, who, quite irrespective of this understanding, express a hope that the noble Lord's Amendment will be carried. We had a joint request made to us by two parties—with private opinions we have nothing to do—and that was, that we should exclude from the operation of the Bill that which my noble Friend wishes us to introduce. We have since received a document signed by a large number of those who make up one of the parties, stating that this was not their wish, and that consequently, without being released from the understanding to which we came, they were opposed to our fulfilling it. Now, I have not the slightest wish to make any charge against those gentlemen. I have made a request to Professor Jowett, the chairman of the meeting on the subject, in which I have begged of him to let us know whether we are released from the kind of understanding into which we entered, or, what is the attitude intended to be adopted by the parties in the two Universities with respect to the matter. I expect to know better in the course of a few days the sentiments of those to whose formal request we acceded in framing the Bill, and I shall undertake to be in a position before the Report to clear up the point. Then, without binding ourselves to any particular course, we shall be in possession of facts which must form part of the materials which we shall have to consider in guiding us to a conclusion. I hope, therefore, my noble Friend will kindly withdraw his Amendment for the present.

Lord EDMOND FITZMAURICE said, he would at once accede to that request.

Sir MICHAEL HICKS-BEACH said, the point was one on which, though it was of great importance, the Government appeared to have no opinions of their own, but were contented to represent the opinions of the extreme section of the Oxford Liberals, a description which was, he thought, by no means too strong as characterizing the meetings presided over by Professor Jowett and others, to whom the noble Lord opposite (Lord Edmond Fitzmaurice) had alluded. He at once admitted it was quite natural that, in the view of those who wished to see University tests abolished, the reservation in the clause should seem untenable, and considering the advance which had been made by the Government on the question, he was not surprised to hear them intimate their readiness that the reservation should be done away with. But the Amendment was one to which he and those who, like him, were altogether opposed to the Bill, could not be expected to give their assent. He looked upon the reservation in the case of the Headships of Colleges as of the greatest importance, because with the Heads of Colleges rested the appointment of tutors. It might be an invidious thing to ask them to select the tutors; but they must make some selection, and he should feel the utmost confidence that they would select those best qualified for the purpose. There was also another point to which the noble Lord had not referred, which he looked upon as of the utmost consequence; he alluded to worship in the College chapel. By Clause 4 of the Bill that worship was to remain untouched, and he supposed it would continue to be conducted according to the rites of the Church of England. Now, he believed it was provided by the statutes of the Colleges that the Heads should attend the College chapel. If they were not members of the Church of England, however, it would not be open to them to do so, and what would, under those circumstances, happen? Would the services be maintained at all, or would they be conducted in accordance with the rites of the Presbyterians, Baptists, Independents, or Unitarians, according to the particular tenets of the Head of the College, and with those of the Church of England by turns? If that were to be the case he could not help thinking that little would have been done to promote that religious harmony which the supporters of the Bill professed it to be one of their main objects to secure. The result would be that the College services would be altogether done away with or become of the most colourless character. Believing the effect of the adoption of the Amendment would be materially to injure the cause of religious instruction, which was already so prejudicially interfered with by the Bill, he should certainly object to it when brought up on the Report.

THE SOLICITOR GENERAL said, he must protest against the statement that the Government were merely the registrars of the extreme opinions of the Oxford Liberals. They had introduced the present clause into the Bill not at the bidding of the extreme Oxford Liberals, but at the request of the moderate Cambridge Reformers. The hon. Baronet (Sir Michael Hicks-Beach) considered that it was desirable to maintain the reservation with regard to the Heads of Colleges, because the appointment of tutors rested with them; but did he mean to suppose that the restriction was to be made use of to defeat the very object of the Bill, and that if a large number of persons in a College were eminently qualified to be tutors, they should, because they did not happen to be members of the Church of England, and for no other reason, be precluded from filling such positions? There could be no better argument adduced than that to lead hon. Members on the Liberal side of the House to the conclusion that the restriction was one which ought not to be maintained.

MR. MOWBRAY said, he thought the interpretation which had been put by his hon. Friend the Member for East Gloucestershire (Sir Michael Hicks-Beach) on the language used by the First Minister of the Crown was the only interpretation of which it was capable. The right hon. Gentleman had almost apologized for having inserted the reservation in the clause, and added that before he could do anything further in the matter he must consult Mr. Jowett. [Mr. GLADSTONE: No, no!] He had certainly understood the right hon. Gentleman to say that he must wait to receive the instructions of the extreme Liberals as to the course he should take. He should like, he might add, to know whether the present movement was one which originated with the University itself, or whether it had not reference to a certain communication with certain gentlemen in London on Saturday, the 4th of June. For his own part, he did not believe that it had originated with the University.

LORD JOHN MANNERS said, he understood the Solicitor General to have stated that the reservation in the clause was inserted to meet the views of the moderate Cambridge Reformers, and he would suggest that they too, as well as the members of the University of Oxford referred to by the First Minister of the Crown, should be communicated with before the Government arrived at a final decision on the point in question.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 3 (Persons taking lay academical degrees or holding lay academical or collegiate offices not to be required to subscribe any formulary of faith, &c.)

MR. STEVENSON said, that the objects set forth in the Preamble of the Bill could not be attained so long as words were embodied in the clause containing restrictions with respect to dignities in Divinity. In Scotland—at all events, he could speak of Glasgow and Aberdeen—no condition was attached to the grant of Divinity degrees, and any student could present himself for examination. He did not see why the English Universities should not be placed on the same footing, and also why they should not confer honorary degrees on distinguished theologians outside their own Church. Believing the measure to be incomplete as long as these words remained, he begged to move, in page 2, line 7, to leave out the words "other than a degree in divinity."

Amendment proposed, in page 2, line 7, to leave out the words "other than a degree in divinity."—(*Mr. Stevenson.*)

THE SOLICITOR GENERAL said, though he hoped he was not wanting in liberality, he was quite unable to follow his hon. Friend in his extreme liberalism in this matter. Although they freely opened the Universities without requiring tests in regard to all other matters, yet it seemed to him to be essential to preserve Divinity degrees in any University in connection with some definite form of Divinity. To talk of conferring a degree in Divinity without an examination into definite doctrines appeared to be embarking on a course which he would rather some one else followed than himself. The Universities were not debarred by this section from conferring, in accordance with former practice, upon distinguished theologians not belonging to the Church of England honorary degrees in Divinity, and in that case—he spoke, at least, of Oxford—the recipients of degrees had to sign no test. Such degrees had been conferred upon Dr. Chalmers and the Archbishop of Syra. In his opinion it would not be right to call upon the Universities to examine any person, however different might be his religious opinions from those of the Church of England, who might present himself. That would be by an excessively difficult and impracticable course, and would tend to introduce the evils of religious controversy in the sharpest and most disagreeable forms. Therefore, with all deference to the hon. Member, and with every desire to make the Bill as wide as possible, he could not accept the Amendment.

Mr. HADFIELD said, he should support the Amendment. If what was proposed had been adopted without difficulty in Scotland, he asked why should it not be done in England? He was one of those who held the opinion that thought should be unfettered, and he would press upon the Solicitor General sentiments he had uttered on previous occasions in favour of the very principle. He did not shrink from the application of thought and of intellect even to matters theological. He stood convinced on certain doctrines contained in the Articles of the Church of England, which some of the supporters of the Establishment repudiated, or durst not act upon them. They must have in this country, and he proclaimed it in the House of Commons, equality of religious rights and religious thought. The First Minister of the Crown had enunciated that principle, and let not his coadjutors flinch from it. He was confident that the stability not only of our institutions, but of the Throne itself, depended upon freedom being given on this great question, and the principle involved in the Amendment must not be concealed out of deference to what was founded not upon Scripture, but upon power and caprice. Whatever the members of the Government, assisted by those of the Opposition, might do, let other Members, at any rate, record their votes truthfully and honestly in favour of the great principle.

Mr. GLADSTONE said, he wished he know up to what point this principle was to be carried. It was proposed that degrees in Divinity should be given irrespective of the religious tenets held by the recipient. This, no doubt, was a great principle, but was it as good as great? It was not possible in University matters to draw a satisfactory distinction between degrees and offices. He was not speaking of honorary degrees. His hon. and learned Friend the Solicitor General had explained that part of the case, and the Universities were at liberty to confer such degrees without imposing any test. A degree was supposed to indicate the capacity of the person receiving it to teach; and the proposal of his hon. Friends was that the University should declare, by giving degrees, the capacity of men to teach theology, and then stop them from entering into offices where theology was to be taught. That was practically, as well as logically, an inconsequence which could not be defended. The University could not give degrees in theology, and afterwards say to the recipients—"We refuse to allow you to discharge this teaching duty." Parliament would place itself in a wholly false position if it called upon the Universities to separate capacity in the teaching of theology from the matter and doctrines to be taught, and if, after the teaching capacity of these persons had been affirmed by the Universities, the latter were compelled by law to refuse them all participation in the emoluments of teaching. His hon. Friend (Mr. Hadfield) should have "the courage of his convictions," and assert his principle in a logical way by proposing to throw open all theological offices at the University. [Mr. Hadfield: Hear, hear!] His hon. Friend was perfectly ready to do this. If, therefore, the Professorship of Divinity in Oxford became vacant, and Archbishop Manning should be disposed to accept that office, his hon. Friend would be prepared to see Archbishop Manning installed in it. That was the principle asserted by his hon. Friend. It was a great principle, no doubt, but he was disposed to question its goodness.

Mr. MIALL said, he did not think the Amendment had been sought for in any of the negotiations between the representatives of the Dissenters and those who had been most forward in promoting the Bill. If, indeed, freedom of thought would be promoted by Dissenters taking degrees in Divinity as taught by the Church of England, he should have thought it of great importance that they should claim liberty to take those degrees; but, instead of freedom of thought, they would have only restriction of thought, and would show themselves to be up to a certain standard of attainment in theological knowledge, that being, of course, the standard of the Church of England. While he thanked the hon. Member (Mr. Stevenson) for having brought forward the Amendment, he thought it would be wise not to press it to a Division.

MR. TIPPING said, that, as regarded freedom of thought, he might observe that, in the case of the body of Dissenters to which the hon. Member for Sheffield (Mr. Hadfield) belonged, that freedom was exercised in reference to Dr. Davidson by his being shown either the front or the back door of his own church.

DR. LYON PLAYFAIR said, the objection to granting degrees in Divinity to persons who did not belong to the Established Church would be a valid objection if it were true that Universities were to be considered as being in connection with the Church of England as they had been in the past. But the very object of the Bill was to take the Universities out of that position, and to make them national Universities; and if they were national Universities, he could not conceive why those who took even degrees of Divinity should be subjected to any particular test. For a long time in Scotland University degrees were connected with a test which made it necessary that those who took them should be members of the Church of Scotland; but this test had been abandoned, and now the degrees were given to those who could pass an examination in the extensive range of subjects included in a four years' curriculum of theology. The degree is viewed as certifying to the candidate's theological knowledge, not his theological belief. The latter was looked to by Presbyteries in Scotland, and would be by the Bishops in England. Part of the examination was in the evidences of Christianity, and this, though not necessarily, was found practically to exclude candidates who did not profess Christian faith. In all other respects the examinations were open to the members of any Church, and members of Dissenting bodies often passed them. The examiners were chiefly Professors of the Church of Scotland, and there might be a leaning towards that Church in the examinations; but the degrees might be taken by candidates irrespective of their belonging to that Church. If the Amendment were pressed to a Division he would vote for it.

MR. RYLANDS said, as regarded what had just been said respecting an eminent Nonconformist divine, he denied that there was anything in the case which the hon. Member (Mr. Tipping) alluded to justify a statement that Dr. Davidson was turned out either at the back or the front door. As a personal friend of that gentleman, he protested against the use of such language.

MR. TIPPING said, he should be the last person to cast any reflection on Dr. Davidson. If there were any reflection to cast, it must rest upon the body to which the gentleman belonged, and not on himself.

MR. MOWBRAY said, that as regarded the Scotch Universities the hon. Member for Edinburgh and St. Andrews Universities (Dr. Playfair) admitted that the examination was limited to the question whether persons presenting themselves were Atheists, for the hon. Member had said that it turned upon a knowledge of the evidences of Christianity. What the members of the Church of England desired was a definite system of theology. The hon. Member for Sheffield (Mr. Hadfield) talked of equality; would he give them equality on the other side? Would he allow members of the Church of England to present themselves for examination at London University? He apprehended that that University knew nothing of divinity, and did not exclude Atheists.

MR. WINTERBOTHAM said, he hoped the Amendment would not be pressed. He understood what was meant by secularizing the Universities; but not what was meant by secularizing religion. He did not understand on what principle a degree of Divinity could be given to a man simply because he had an acquaintance with the reasons which could be urged in favour of a system without intimating whether he considered them of any value. A degree which attested a man's fitness to teach should not be given without any regard to a man's belief in the doctrines he was authorized to teach. Nothing could be gained to freedom of thought, or to truth, or any other good thing, by granting degrees of Divinity to persons wholly irrespective of the divinity they professed.

Mr. RAIKES explained the operation of the clause as it affected the University of Cambridge, in respect of the circumstance that it was not necessary for a man to take any degree other than the ordinary M.A. degree in order to become a Professor of that University.

Mr. HADFIELD said, the real question before the Committee was, whether or not an earnest man who did not belong to the Church of England should have an opportunity of supporting the doctrinal articles of the Church, and whether eminent Nonconformists should not be allowed to compete with old rotten Professors of Theology. The Bishop of Chester was taught theology so well by Dr. Pye Smith, who became Professor of Theology at Homerton College, that the pupil was thought worthy of a Professorship at Oxford.

Mr. STEVENSON said, he regretted that the Government had not seen their way to adopt his Amendment. He would ask leave to withdraw it.

Lord EDMOND FITZMAURICE said, he wished to inquire of the Solicitor General the nature of the test taken by a Bachelor or Doctor of Divinity. His impression was that there was no test at all in the case.

Mr. M'LAREN said, an erroneous impression seemed to prevail—namely, that a man could obtain the degree of Bachelor of Divinity at Edinburgh by a sort of negative theology. He was anxious the Committee should know that every candidate for the degree of Bachelor of Divinity in the University of Edinburgh must attend the Faculty. He had to go through four courses of lectures, to pay the fees, do all the exercises, and pass a creditable examination. But no declaration was required. Neither was there any attendance at church or chapel or any profession of faith. If the Committee adopted the Amendment they would place Oxford and Cambridge in this respect on the same footing as Edinburgh University.

Mr. FAWCETT said, it appeared to him that the Amendment, although a very small one, involved a very important principle. He could easily understand how hon. Members opposite were unanimously against the Amendment; he thought they were bound, in conformity with their opinions, to oppose it. But he could not understand the opposition on the Liberal side of the House. What was the object of the Bill? It was to change the character of the old Universities of England, and to make them national, instead of Church of England institutions. The wish was, by making them great national institutions to attract as many subjects of Her Majesty as possible to study in the Universities, irrespective of all opinions which they might appear to entertain on religious, scientific, or any other subject. It appeared to him to be a case of extreme hardship that young men, who would by this Bill be entering the Universities, and who did not belong to the Church of England, but were anxious to study theology, should be prevented from showing their knowledge of the subject by an examination. An examination was not a test of opinion, but of knowledge; and if a Nonconformist or a Roman Catholic chose, of his own accord, to go into an examination at Oxford or Cambridge not to show his opinions, but to show the knowledge he possessed of theology, whether the theology of the Church of England or otherwise, to prevent him from doing so was to contradict the principle of the Bill.

Sir ROUNDELL PALMER said, he thought that the statement of the hon. Member for Edinburgh (Mr. M'Laren) was calculated to lead the Committee into an error, when the hon. Member said it was only necessary to adopt the Amendment in order to put Oxford and Cambridge exactly on a level with the University of Edinburgh. What he (Sir Roundell Palmer) proposed to do last year would have effected very much what the hon. Gentleman described; because he proposed to adopt a declaration for Professors at Oxford and Cambridge similar to that at present imposed upon all lay Professors in the Scotch Universities. The old tests as to Theological Professors at Edinburgh remained in their original integrity as prescribed by the Act of Union.

Mr. M'LAREN said, he had alluded to the case of Bachelors of Divinity, who took no declaration at Edinburgh. The

Bachelors of Divinity had nothing whatever to do with the Professors.

MR. OSBORNE MORGAN said, he thought the hon. Member for Brighton (Mr. Fawcett) had placed the matter in its true light, when he stated that an examination must be regarded as a test of knowledge, and not of belief. He should support the Amendment.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 262; Noes 101: Majority 161.

MR. VERNON HARCOURT said, he had put two Amendments on the Paper; but as to the first of them, the Solicitor General had privately assured him that it was not necessary. As to the other, it must have appeared remarkable to anybody who had read the Bill, that it was applied without remorse to all existing institutions, but was not to apply to those which were in the future to be created within the Universities. Why was there to be that distinction? It was impossible not to ask—"What is the principle which justifies this Bill?" because he supposed that no hon. Member wished to deal with property of any description without having some strong ground of justification for the interference. He supported the Bill because it dealt with the Colleges, which were part of what he regarded as a national establishment—the University into which they were incorporated partly by charter and partly by Act of Parliament. He should not have had a word to say in defence of this Bill; but, on the contrary, would have voted against its second reading, if he had not so regarded the Colleges. The Bill did not propose to deal with Stonyhurst, Oscott, or any of the Nonconformist Colleges, because interference with them would be wholly unjustifiable, for they were not affiliated to, or incorporated with, any national establishment such as a University. Last year he voted for including the Colleges in the Bill—although the Solicitor General was reluctant to deal with them—because he regarded them as part of the corpus of the estate, which was within the control of Parliament. How did Parliament propose to distinguish between existing Colleges and those which were to be founded? He regarded it as a great mistake that Keble College was not by name incorporated into the University; it would, however, still come within the operation of this Bill. If a private person chose to attach a College to a national institution, like a University, that College must follow the fate of the University. He was unable to read the Preamble of the hon. and learned Gentleman's (the Solicitor General's) Bill, and at the same time to understand the exemption of future Colleges from its operation. The proposal of the hon. and learned Gentleman was that there should be two sets of Colleges in the Universities—those founded in past times, open to the nation, and those founded in the future, confined to a particular class. It was difficult to understand the principle upon which the hon. and learned Gentleman had proceeded. Had the Colleges failed in the proper discharge of their obligations there might have been some excuse for the course adopted by the hon. and learned Gentleman; but that charge could not be brought against them. In every sense, they had fully carried out the intentions of their founders, and, as far as he was personally concerned, he confessed that he owed everything to them. But the Bill proceeded upon the ground that the Universities being national institutions, every part of them ought to be open to the nation. The course that the hon. and learned Gentleman had taken appeared to him to be extraordinary. Colleges already in existence, the founders of which were without any notion of the present course of legislation, were to be dealt with by the Bill; but Colleges established in the future, when the views of Parliament and of the nation were known to everyone, were to be specially exempted. Supposing the Irish Church Act of last Session had said—"We will disendow and disestablish the Irish Church, but if the Protestants of Ireland choose to endow a new Archbishop of Armagh, then the principle of disendowment and disestablishment shall not apply, but the new Archbishop shall have all the rights and privileges of his predecessor," what would have been thought of the measure? It had been said that the measure, although not to be strictly justified upon this point, was at all events expedient. He, however, did not agree with the proposition. The right hon. Gentleman at the head of the Government had stated that he had been in communication with the Universities upon the subject of certain of the Amendments proposed with reference to this Bill; but this question of the exemption of future Colleges had not been alluded to by either party of either University. The House had been informed that this Bill was to apply to the Keble College, which was founded yesterday, but that it was not to apply to the College that might be founded next week. And here he could not refrain from pointing out the peculiar and unexampled terms of the charter under which Keble College had been incorporated. Under that charter a majority of nine of the council of twelve, would have power to turn out the remaining three. In no other charter had such a power been given to the majority over the minority. Was the Bill, in its present form, likely to conduce to the peace of the Universities? It proposed to set up fresh sectarian fortresses to form a barrier to the rest of the Colleges, and would thus perpetuate that religious discord, to get rid of which was one of the objects of the Bill. Nobody had forgotten the remarkable scene that had occurred in that House when the hon. Member for Brighton (Mr. Fawcett) brought forward the question of the establishment of denominational Colleges in the University of Dublin. On that occasion the right hon. Gentleman at the head of the Government had claimed the confidence of the House, and had asked them not to bind the hands of the Government in dealing with this question. There ought, however, to be some reciprocity in the matter, and if their own hands were not bound, they should leave free the hands of those who thought differently from them upon this question. Were the House deliberately to decide that the Colleges which might hereafter be affiliated to our Universities were entitled to exemption from the provisions of this Bill, what would be their situation with reference to the University of Dublin when it was proposed to found Roman Catholic Colleges attached to that institution? It would be impossible to refuse charters to Roman Catholic Colleges in Ireland if the Bill passed in its present shape. He begged to move, in page 2, lines 12 and 13, to leave out "subsisting at the time of the passing of this Act."

Mr. Vernon Harcourt

THE SOLICITOR GENERAL said, that it was impossible for him to accede, on the part of the Government, to the wish of the hon. and learned Gentleman (Mr. Vernon Harcourt) that these words should be left out of the clause. He passed at once to the second of the hon. and learned Gentleman's Amendments, because he understood him to be satisfied that no necessity existed for putting undergraduates and students into the Bill, because their case had been already sufficiently provided for. The hon. and learned Gentleman had asked him upon what grounds he proposed to apply a different principle to Colleges to be established in the future from that which was to apply to the Colleges already in existence. He denied that the hon. and learned Member had put the matter fairly by the issue he had raised. He denied that in the present measure there was any difference whatever in the principle to be applied to existing and to future Colleges. He had always maintained in the House that everyone who gave property in mortmain or founded a College, or gave property to a corporation, whether ecclesiastical or lay, did so with the knowledge that from the very earliest times the Parliament of England would from time to time deal with those institutions as it might think fit. The two Universities themselves had been so dealt with by the Parliament of this country over and over again, and notably on the occasion when the Acts of Supremacy and Uniformity were passed. He, therefore, denied that they were about to apply a different principle of legislation to the Universities from that which the Parliament of England had always proceeded upon in dealing with many of the Colleges, both in Oxford and Cambridge. He did not hesitate to say that anyone who founded a College, however exclusively denominational, in either of the two Universities in 1870, did so with the full knowledge that if it should seem good to Parliament hereafter—should a Parliament then be in existence—the purposes for which he gave his property would be modified according to the principles of future times. The broad principle upon which the Government proceeded was this—that through lapse of time these great institutions had, in all cases, acquired so thoroughly national a character, and had become in point of opinion so far separated from those who founded them, that it was but just they should be thrown open to a wider range; and he freely admitted that when it seemed good in the eyes of Parliament to deal with Keble College upon that principle the policy of 1870 would be pronounced sound. His hon. and learned Friend desired not merely that the Colleges and Universities of England should be thrown open to persons of all kinds of religious opinion, but that, if persons wished to endow Colleges to disseminate particular religious opinions, they should be prevented from having the advantages of association with Oxford and Cambridge because they maintained those opinions.

Mr. VERNON HARCOURT said, his Amendment was that every College incorporated with the Universities should be open to persons of all religious opinions.

The SOLICITOR GENERAL said, that of course no one stated his proposition exactly in the terms of his adversary, and no doubt his hon. and learned Friend preferred his mode; but if, in the case of a man who was willing out of his own pocket to found a College for the maintenance of a particular set of religious opinions, his hon. and learned Friend said the students in that College should not have the advantage of an Oxford or Cambridge degree, he said that which was thoroughly illiberal. He proposed to exclude persons who were willing to come into the University, and to conform in all respects to its enactments, simply because their religious opinions differed from his. Taking the example of Oscott, Stonyhurst, and Homerton Colleges, upon which his hon. and learned Friend chiefly based his argument, he contended that the London University was in every sense of the word national—it was founded originally and still supported by the nation; yet these Colleges were associated with the London University. Would his hon. and learned Friend follow up his principle, and do away with this connection? His hon. and learned Friend asked why Keble College was to be dealt with differently from the way in which Colleges founded hereafter would be dealt with. His answer was that the promoters of Keble College had their attention drawn to the Bill, which in all probability they knew would soon become law, and it was their fault if they did not approve being brought within the scope of the Act, for they had come under it with their eyes open. There was no case for putting in the words proposed; it had taken 600 or 700 years to bring the Colleges of Oxford and Cambridge into their present state, and he thought new Colleges, provided they were founded for objects neither immoral nor illegal, might be left for a similar period, until their special objects had become obsolete.

Mr. GATHORNE HARDY said, the promoters of Keble College did not at all desire to bring themselves under the Bill, but the reverse.

Mr. VERNON HARCOURT said, he was assured by his hon. Friends around him that Oscott and the other Colleges referred to were not affiliated to the London University. His idea, however, was that as soon as a College was incorporated with the State University, it should be treated as a national institution, and that every one should be admitted to it. But he desired to withdraw his Amendment, and gave Notice that, on bringing up the Report of the Committee, he would move the addition of a clause providing that any charter granted to any College or institution in the nature of a College shall be presented to Parliament, and shall have no force or effect until the expiry of thirty days from the time it shall have been so presented.

Amendment *negatived.*

Mr. J. G. TALBOT said, he rose to move the omission of the words "or to be, or abstain from being, a member of any particular Church, sect, or denomination," which, he considered, were exceedingly and unnecessarily offensive to the religious feelings of the community. He was willing to accept the decision to which the House had already come on the subject of tests; but he did not see, if the words were retained, how it would be in the power of any College hereafter to exclude, even from offices involving teaching, persons who were the avowed enemies of the Christian religion. He did not believe, however, that that was the intention of the Solicitor General, or of any other Member of Her Majesty's Government who, no doubt, merely wished to promote what was called religious liberty.

Amendment proposed, in page 2, line 23, to leave out from the words "or to be" to the word "denomination," in line 24, both inclusive.—(*Mr. John Talbot.*)

THE SOLICITOR GENERAL, interrupting the hon. Member, said, he was willing to accept the Amendment. The wording of the clause was not meant by the Government to be offensive to anybody, but was chosen to make clear the intention of the Bill, and to show that offices in the Universities would be thrown open to all persons, irrespective of their religious belief. He should be the last to use words which would give offence.

MR. WINTERBOTHAM said, he would remind the Committee that the hon. Member (Mr. J. G. Talbot) had objected to the words not because they were in terms offensive to any denomination, but because they would shackle the freedom of a College to exclude persons who held certain opinions. He understood the hon. Gentleman to desire that a person might be excluded if he did not believe in the Christian religion. If the omission of the words would lead to such a result, he should decidedly oppose the Amendment.

THE SOLICITOR GENERAL said, he did not think the words carried the matter further than it went before. On the whole, it would, perhaps, be better to leave the words out.

MR. WINTERBOTHAM said, the hon. Member's (Mr. J. G. Talbot's) objection was analogous to that taken by the Catholic hierarchy to persons of the sect or body of Freemasons. It was not a question of a person's belief, or of his attending certain services, but of his belonging to a particular society. Such a fact ought, in the hon. Member's judgment, to authorize his expulsion. He understood that to be the avowed object of the Amendment, which he should therefore oppose.

MR. W. FOWLER said, he hoped the Committee would not assent to the omission of the words, as the Bill had been drawn up with great care. They were, in his opinion, so potent that it would be extremely dangerous to leave them out; but if, in reality, they were of no importance, there could be no harm in retaining them.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 113; Noes 181: Majority 68.

MR. FAWCETT said, that in rising to move that Proviso 1 be struck out of the clause, he begged to assure hon. Members that he looked upon the Amendment of such practical and immediate importance that he would certainly take a Division upon it. If his Amendment were not carried the Bill would be inconsistent in its principles, and its Preamble would not be just or true. The Committee would, he was sure, be very generally surprised to hear that there were in the two Universities 150 or 160 Fellowships which would be left in the same position after the Bill passed as they were now, if it became law in its present shape. He had in his pocket at that moment a letter from an Oxford tutor, who informed him that, so far as he could make out, one-half the Fellowships at the University were clerical Fellowships—that was to say, Fellowships the men holding which must be in Holy Orders. Their number was at the lowest estimate 130; and there were also 30 similar Fellowships at Cambridge. Now, if the Bill passed as it stood, Parliament would be sanctioning the extraordinary anomaly that, in our great national Universities, 160 Fellowships, instead of being freely open to the whole nation, could be held only by those who were willing to take Orders. Few were aware, he might add, how many melancholy instances there were of young men being tempted by the prospect of a Fellowship to take Orders before they could properly make up their minds on the subject. He knew of more than one brilliant career which had been blighted in that way, and if the Bill were permitted to pass as it was that state of things would continue to exist. But its inconsistency did not stop there. At Oxford and Cambridge not only were there a number of Fellowships called clerical, but men were bribed to take Holy Orders by the fact that, if they did so, they could hold their Fellowships for a longer time than if they were merely laymen. He excluded from his observations the case of those Fellows who were allowed to retain their Fellowships through life on certain conditions of doing work for their Colleges. That was a case which no one would wish to touch. But a young man might take the degree, say, of Senior Wrangler or Senior Classic. He might pursue his studies in science or for the bar in London, and at the end of seven years, after taking his M.A. degree, his Fellowship would be vacated; but if one month or one hour before the expiration of the time he took Holy Orders he could retain it, on condition of remaining unmarried for the rest of his natural life. Was it not, he would ask, inconsistent with the principles of the Bill to try to induce young men to take Holy Orders by offering them such pecuniary rewards? If, therefore, his Motion for the omission of the proviso should be carried, he should bring up two clauses removing all doubt on the subject. One of those clauses would state that no one after the passing of the Act should, as a condition of holding or being elected to any Headship, Fellowship, or Studentship in any College in the Universities of Oxford, Cambridge, or Durham be required to take Holy Orders. The other clause would be to the effect that no one should be permitted to hold a Headship, Fellowship, or Studentship for a longer period if in Holy Orders than he would be permitted to hold it if he were a layman. If those Amendments were carried the Bill would, he believed, fulfil to a great extent the promises of the Government, and make our Universities great national institutions. If not, a great portion of the endowments of Oxford and Cambridge would be left untouched by the measure. Reviewing the history of the question, and seeing how Session after Session the Government had been obliged to give up one feeble compromise after another; seeing how at one time they proposed to deal only with Oxford and not with Cambridge; then with the Universities, and to leave the Colleges as they were; seeing how afterwards they were forced to include the Colleges also, and to acknowledge that those who objected to the permissive legislation which they proposed in the case of those Colleges were right, he trusted they would not refuse to accept his Amendment, and would thus avoid the necessity of being obliged to come down to the House next Session to make the admission that they were again in error, and that in leaving clerical Fellowships as they were they were not in reality making our Universities what they ought to be—great national institutions, in whose emoluments and rewards every subject of Her Majesty should have an equal opportunity of sharing. He begged to move, in page 2, line 28, to leave out from the word "Nothing" to the word "office" in line 36, both inclusive.

Amendment proposed, in page 2, line 28, to leave out from the word "Nothing" to the word "office," in line 36, both inclusive.—(*Mr. Fawcett.*)

THE SOLICITOR GENERAL said, the Bill had been drawn with some care, and the Government were bound to take their stand on it, in substance, as it was. It was true that he had admitted his hon. Friend was right in the Amendment proposed by him last year; and, having made that frank admission, he hoped he should have been spared from making it again. However, he had no objection to repeat the same admission. He must oppose the Amendment; first, because the Bill was in substance one which had been again and again submitted to both Houses, and was the result of the deliberations of leading men at Cambridge and Oxford, in whom the Government placed entire confidence, and who wished that the measure should be that which had been before adopted, with this addition—that Parliament should do certain things absolutely for the Colleges, instead of leaving the Colleges to act for themselves. Further, the Amendment would be a violation of all the grounds on which the Bill was originally put forward. Large bodies of Nonconformists had been in communication from time to time with those who had the conduct of the Bill, and their statement had uniformly been that they had no desire to interfere with the existing arrangements of Colleges, except so far as an unfair exclusion was maintained against them by the operation of Acts of Parliament. But the Amendment went far beyond the proper scope and reasonable object of the Bill, and did not merely open offices in the Universities to the legitimate competition of all alike, without religious tests, but interfered with the internal arrangements of the Colleges, violated their statutes, and repealed their ordinances. Such legislation, if attempted at all, should be contained in a separate measure, and not be introduced in a Bill the single and intelligible object of which was to remove from the path of certain persons at the Universities obstacles which, in the judgment of a great majority of the House, ought not to impede their University career. He would remind his hon. Friend that there was such a thing as practical wisdom in these matters. The supporters of the Bill had to get not exactly what they desired—although he did not sympathize with the object now sought for—but what they could obtain. There was another House of Parliament to be considered, and if these various Amendments were passed, and formed an integral part of the Bill, it would be almost an invitation to those who wished ill to the Bill to obstruct its further progress when it left this House. The Bill as it stood might, he thought, be accepted as a reasonable settlement of this question, and he hoped the Committee would not adopt an Amendment which had no natural connection with the Bill, and which would be fatal to its ultimate success.

Mr. OSBORNE MORGAN said, that the clerical Fellowships drove young men into courses which were against their consciences, and they drove other young men from the Universities. He had himself been obliged to give up a Fellowship because he would not take Orders. He, however, could not vote for the Amendment; because the question with which it dealt was entirely one of internal arrangement in the Colleges, and if they once entered on that subject they would get into a wilderness of questions. He knew, however, that it was of no use asking his hon. Friend (Mr. Fawcett) not to press his Amendment.

Mr. MIALL said, he thought that the principle of the Amendment was a sound one, but could not support it, feeling bound by the pledges he had given, in order to induce the Government to take the matter in hand, to the effect that he and those who acted with him would forego asking for the abolition of clerical Fellowships by this Bill.

Mr. GLADSTONE said, his hon. Friend (Mr. Miall) had shown the perfect fidelity to engagements and the honour which all who knew him would expect. It was only fair, as this question had been raised, that he should confirm what his hon. Friend had stated. A really representative deputation from the various Nonconformist bodies, with his hon. Friend at its head, had an interview with him (Mr. Gladstone) in the autumn. That deputation included his hon. Friend the Member for Bristol (Mr. Morley), his hon. Friend the Member for Leeds (Mr. Baines), Mr. James Martineau, Mr. Reed, Mr. Cook, and many others of the most eminent representatives of the Nonconformist bodies, and, in asking for the introduction of this Bill, they distinctly represented, for the information of the Government, that it formed no part of their request that the Bill should contain any provision for the abrogation of those parts of the College statutes which related to clerical Fellowships.

Mr. LOCKE said, he thought the House of Commons ought not to be bound by any compact either with Nonconformists or anybody else. The question was, whether the proposal made by the hon. Member for Brighton (Mr. Fawcett) was right or wrong. No attempt had been made by the First Minister of the Crown to show that it was wrong; both the hon. Member for Denbighshire (Mr. Osborne Morgan), and the hon. Member for Bradford (Mr. Miall), had approved the principle of the Amendment, and he should certainly go into the Lobby in support of it.

Mr. FAWCETT said, there was a curious fallacy in the argument of the Solicitor General, who objected to the Amendment because it would interfere with the College statutes. The Bill itself interfered with the College statutes. If you repealed the Act of Uniformity and did not touch the College statutes, Nonconformists would be just as hopelessly excluded from Fellowships as they now were, because many of the Colleges required a declaration that a person was of a certain religious faith. As to the appeal made to him by the Solicitor General to be practically wise, the very same thing was said to him last year; but it had been shown that the practical wisdom was on his side. His view of dealing with the House of Lords was to state precisely what the House wanted and with what it would be satisfied. He much regretted that the hon. Member for Bradford (Mr. Miall) had said he could not vote with him, because of certain arrangements made out of the House; and he was sure much disappointment would be felt throughout the country among those whom the hon. Member was supposed to represent. He was sure his hon. Friend entered into the arrangement from the most honourable motives; but the event should warn them not to enter into arrangements with the Government until it was known what the Government would do, or else it might compel them to vote contrary to the principles they advocated.

Question put, "That the words 'Nothing in this section shall render' stand part of the Clause."

The Committeee *divided*:—Ayes 157; Noes 79: Majority 78.

The SOLICITOR GENERAL said, he had to propose an Amendment in the phraseology of sub-Section (1), so as to obviate an objection which had been raised by the hon. Member for North Warwickshire (Mr. Newdegate), that it would confer an exceptional advantage on Roman Catholic priests, and to correct an admitted error on the part of the draftsman. It had been forgotten for the moment that a man in Roman Catholic Orders was in Holy Orders within the meaning of English law, and if a priest joined the Church of England it was not necessary to re-ordain him. He proposed to omit the word "layman," and to insert "any person not in Holy Orders in the Church of England."

Mr. MOWBRAY said, he must ask whether the proposed Amendment would not admit a person who had taken Orders in the Church of England, and had gone over to the Church of Rome? Such a person, he thought, ought to be excluded as much as any regularly ordained Romish priest.

The SOLICITOR GENERAL said, he was obliged to admit that the case of converts had not been contemplated. He would, therefore, withdraw the Amendment, and propose one on the Report.

Mr. WINTERBOTHAM said, he wished to ask to what offices the 2nd sub-section of the clause was intended to apply. The masterships of the Endowed Schools were dealt with in the Act of last Session.

The SOLICITOR GENERAL said, that wherever by law the holding of a University degree was made essential for the holding of an ex-University office, and where the law had thrown open that office to persons other than members of the Church of England, the sub-section would not apply. It would not touch anything but offices in the University itself; and the Act would not indirectly affect offices which were not fairly within its scope.

Mr. VERNON HARCOURT, who had given Notice of his intention to move, at end of clause to add—

> "No College, or similar institution, shall hereafter be incorporated in the said Universities which shall not be rendered freely accessible to the nation under the provisions of this Act,"

said, he would not propose the addition now, but would reserve it for the Report.

Mr. GLADSTONE said, he heard this announcement with regret, because the holding over of a number of discussions for the Report would tend to impede the passing of the Bill. The hon. and learned Gentleman had raised the question already, and why did he not take the question then, instead of postponing it? He (Mr. Gladstone) had been reluctantly compelled to ask for the adjournment of one discussion, under circumstances for which he was not responsible; and now the hon. and learned Member proposed to adjourn the discussion of the important question of the status of future Colleges. The Government had made the best arrangements in their power for getting through as much as possible that evening; and he was sorry to say that, in the pressure of business, if the discussion of this question were postponed, the Government could not be responsible for finding a definite time when it could be taken.

Mr. VERNON HARCOURT said, he found a good deal of disappointment expressed at his not having availed himself of a past opportunity to divide the Committee on this question. No doubt he had done wrong in not dividing; but he gave Notice at the time that he would propose on the Report that no charter should be given to any College which was not laid upon the Table of the House; and perhaps that would be the best form of raising the question.

Clause 3, as amended, *agreed to*.

Clause 4 (Act not to interfere with lawfully established system of religious instruction, worship, and discipline).

Mr. PARKER said, this was the only clause purporting to save the present religious character of University education, and he should like, before giving any further support to the measure, to have some assurance that the words as they stood would have that effect. After the passing of the Act the existing statutes of the Universities and Colleges, as they did not contemplate the admission of Nonconformists, might, of course, require some alteration. He wished to know whether the Universities and Colleges themselves would have power to modify their statutes in order to make them applicable to the new state of things; or, if not, who was to do it, and how? He had supported the Bill always on the understanding that nothing in it would be allowed to override the Christian character of education in our national Universities, although he was quite willing that provision should be made to admit Jews and persons of other creeds to their share in the government and endowments. The general Christian character of the Universities would, no doubt, be sufficiently asserted in their own statutes, if only they were not overruled by Act of Parliament. This clause professed to save them from being so overruled, and if there were any doubt as to whether it actually did so, he hoped that the Government would give it their serious attention.

Sir ROUNDELL PALMER said, this clause was one which he proposed last year, and the Government had adopted it. There could be no doubt that there were in the University and College statutes provisions which, if carefully studied and actually put in force, would go a long way towards excluding any teaching which was inconsistent with a Christian character; and it was to be assumed that all who wished to see Nonconformists admitted into the Universities would regret — and none more than the Nonconformists themselves—if the effect of this legislation were that the Christian religion could be set at nought, and made the subject of attack by persons holding office and authority in the Universities. Nothing would have induced him to acquiesce in the passing of this Bill if he believed that its effect would be anything so disastrous and mischievous as the secularization of University teaching, or the production of that license which would admit of every kind of attack being made, by authority—*ex cathedrâ* as it were—by those who should be the teachers of it, upon that religion which was sincerely professed by the vast majority of all denominations and Churches in this country. He was bound to say he thought it was a defect in the Bill that it did not deal more boldly with this matter, because there could be no doubt that considerable reliance had hitherto been placed on those tests and restrictions which the Bill abolished, as a means of excluding opposition not merely to the Church of England, but to Christianity itself; and embarrassments might possibly occur, if unfortunately any occasion for discipline on the subject should arise, in arriving at the proper mode of dealing with abuses such as he had referred to, and which in no case ought to pass uncensured or unchecked. If he had received greater encouragement last year he might have endeavoured to offer to the Committee some form of proviso which, without entrenching at all upon the general principle of comprehension, to give effect to which was the essence of the Bill, would have given additional guarantees against the possibility of the formation of an active proselytizing school of irreligion in the Universities—a danger which he was bound to add was not in these days wholly imaginary or chimerical. Nothing more mischievous could happen not only upon religious, but also upon civil and moral grounds; for if any success attended an attempt to introduce into the minds of the youth of this country heathenism as to religious belief, he was sure that heathenism in morals would follow at no great distance. There were not wanting, at this present time, alarming indications to justify those who felt that apprehension, and thought it right to express it. He trusted that would be guarded against, although he was not successful in the attempt he made last year to guard against it; and, as the proposition he then made was not accepted by either side of the House, he could not now venture to repeat it. He did not, on the other hand, wish to run the risk of prematurely provoking objections to any other form of proposition; because if, as he greatly desired, this year should see the settlement of this question by Parliament, and if the Bill in the form which it had now assumed, or with any reasonable Amendments consistent with its principle, should pass in "another place," then and there would be the best opportunity for the introduction of any well-considered clause aimed at that which he was convinced was the common object of religious Nonconformists and religious

Churchmen when they agreed to a Bill for opening the Universities to all classes —namely, to effect that so as not to repel either Nonconformists or Churchmen by opening the way to the teaching and dissemination of infidelity within the Universities.

Clause *agreed to.*

Clause 5 (Repeal of Acts in Schedule).

MR. SALT said, he wished to call attention to what he considered the wide and sweeping enactments of the clause. The last part of the clause provided that all Acts of Parliament, statutes, and ordinances inconsistent with this Act should be repealed. Without wishing to be hypercritical, he might point out, with regard to 10 *Geo.* IV., c. 7, that it contained a clause imposing some peculiar penalties on Jesuits. By comparing the 3rd clause of this Bill with the latter part of the 5th clause, he arrived at the curious conclusion that a Jesuit would be able to accept even the offices of Divinity Tutor and Professor at Oxford; whereas he would be subject to expulsion from any other part of the kingdom. This was a matter which might lead to misconception, and aggravate a feeling of irritation among those who felt strongly against this Bill; and in so important a measure it was desirable that every enactment which was repealed should be mentioned in the Schedule to the Bill. He was in favour of making the largest concessions to Nonconformists; but he was altogether opposed to extending them to the Ultramontanes or Jesuits. He wished to ask what would be the operation of the last part of the clause?

THE SOLICITOR GENERAL said, the only section of the 10 *Geo.* IV. which was repealed by the Act was the 16th, which had nothing to do with the Jesuits. That was the only section of the Act which referred to Universities or Colleges. He had already explained, to his own discomfiture, that the Bill gave an exceptional advantage to Roman Catholic priests, and he had made one unsuccessful attempt to amend it. He would make another on the bringing up of the Report. Beyond that he was unable to answer the question.

MR. STAPLETON said, he must also ask for an explanation as to the meaning of the latter part of the clause, for it seemed to him that if in any Act there was a clause which was inconsistent with this Bill the whole Act was repealed.

MR. SPENCER WALPOLE said, he thought there was more in the observations of the hon. Member for Stafford (Mr. Salt) than his hon. and learned Friend (the Solicitor General) seemed to think. There was a generality about the clause that made it extend far beyond the Acts which were mentioned in the Schedule; and it was certainly desirable that all the Acts which were affected by this Bill should be specifically mentioned. The clause would answer its purpose even if the words that had been objected to were omitted. In the Act of Geo. IV., there was only one section which applied to Universities and Colleges, and why should not that be referred to in the Schedule as sections of other Acts were? When the question of Headships was considered upon the Report, it would be necessary to regard the operation of the repealing clauses of the Bill upon other Acts, if those offices were included in the Bill.

THE SOLICITOR GENERAL said, the latter part of the clause was open to the objection that had been made to it, and he would, therefore, move to omit it. As the Bill was a substantive measure, it would of itself repeal all previous legislation which was not consistent with it.

MR. WINTERBOTHAM said, they had been told that the Bill had been drawn up with deliberation, and he protested against the proposed omission of words from this clause. He hoped that words which had been omitted in a previous clause, on the Motion of an hon. Member opposite (Mr. J. G. Talbot), wonld be re-inserted on the Report.

MR. GLADSTONE said, the Government had agreed to the omission of words in a previous clause; because they were not required for any substantial purpose, and he could assure the hon. Gentleman that there was no difference of opinion between them. It was now proposed to omit the words, "all Acts of Parliament," from the 5th clause. It being an admitted principle that even an Act of Parliament was repealed by a subsequent Act, without a distinct recital, *à fortiori*, any statute or ordinance of the University or of the Colleges which was inconsistent with the Bill would be repealed.

Mr. WINTERBOTHAM said, he wished to know, that being so, why the Solicitor General had put those words in the clause?

Mr. JESSEL said, he thought the words ought to be omitted, because they went a great deal too far. As the clause stood, any Act of Parliament inconsistent with that Bill was repealed; but such an Act ought to be repealed only so far as it was inconsistent with the Bill; and no express enactment was needed to do that, because it was already done by implication.

Mr. GATHORNE HARDY thought it would be better when Bills were drawn, whether by moderate or by advanced Reformers either at Oxford or Cambridge, that they should be drawn with care.

The SOLICITOR GENERAL said, he looked upon that remark as a very bad return for his candour.

Clause, as amended, *agreed to.*

Mr. FAWCETT said, that after the decision which had been come to, he did not intend to press the two new clauses of which he had given Notice, but in withdrawing them he would briefly state their effect. The first proposed that no one as a condition of holding any Headship, Fellowship, or Studentship in any College, House, or Hall should be required to take Holy Orders; and the second that no person hereafter elected to any such Fellowship or Studentship should be permitted, because he was in Holy Orders, to hold the same for a longer period than he would be permitted to hold it, if a layman. Before the Bill went out of Committee he was anxious to point out that it was a very incomplete measure and a compromise. At least one-third of the Fellowships at Oxford would not be affected by the Bill; and unless the Government accepted the Amendment of the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) no one but a member of the Church of England would be able to obtain the Headship of a College at Oxford. He could not help comparing the Bill to what the Irish Church Bill of last Session would have been if it had disestablished and disendowed all rectors, incumbents, and curates, but left all deans and Bishops untouched.

Schedule.

Mr. OSBORNE MORGAN said, he would propose in the Schedule, line 37, an Amendment for the purpose of repealing the 44th section of the Oxford University Act of 1854, which, while abolishing the religious test on taking the degree of Bachelor of Arts, Law, Medicine, or Music, yet enacted that the taking of such degree should not constitute any qualification for any office heretofore always held by a member of the Established Church, and for which such degree had hitherto constituted one of the qualifications, unless the person obtaining such degree should have taken such oaths or subscribed such declarations as were then by law required to be made and taken on obtaining such degree.

Amendment proposed, in page 4, after line 37, to insert,—

17 & 18 Vic. c. 81	An Act to make further provision for the Good Government and Extension of the University of Oxford, of the Colleges therein, and of the College of Saint Mary, Winchester.	Section forty-four

—(*Mr. Osborne Morgan.*)

The SOLICITOR GENERAL said, he was unable to accept the Amendment, the effect of which would be to leave two directly conflicting enactments in the same Bill. The non-University offices to which the Amendment referred were saved from the operation of the measure.

Mr. OSBORNE MORGAN said, he thought when they were doing away with tests altogether, it would be very inconsistent to leave untouched the test imposed on a man who took a Bachelor's degree.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 64; Noes 78: Majority 14.

Schedule *agreed to.*

Preamble.

On Motion That the Preamble be agreed to,

Mr. GATHORNE HARDY said, he wished to take that opportunity of assuring his hon. and learned Friend (the Solicitor General), that in the course which he had taken in the Committee, he had not attempted to amend the Bill on his own account, but had endeavoured as far as he could to save the moderate Reformers from being overwhelmed by the advanced Reformers. He congratulated his hon. and learned Friend on the majority he had just obtained on the Schedule; but his hon. and learned Friend ought to feel grateful to Gentlemen on the Opposition Benches for having saved him from being overwhelmed by his Friends. He had only to say that they on that—the Opposition—side would wait to see what was done upon the Report, reserving to themselves the right to take any course which they might deem expedient with respect to the Bill for the future.

MR. HENLEY said, that in consequence of being a little hard of hearing, he did not clearly understand the Question when it was put on the last Division, and the consequence was that he went into the wrong Lobby.

MR. HADFIELD said, he regretted exceedingly that the Government should be so much indebted for support in this matter to hon. Gentlemen opposite.

MR. J. G. TALBOT asked when the Report would be considered.

MR. GOSCHEN said, he wished to offer the thanks of that (the Ministerial) side of the House to the right hon. Gentleman the Member for the University of Oxford for the opposition which he had made to Bills on this subject in previous years; for had it not been for the three years' delay they would not now have got such a liberal measure.

MR. MOWBRAY said, the right hon. Gentleman (Mr. Goschen) appeared to be over sanguine in drawing his conclusions. He seemed to think that a Bill that had passed through Committee in that House was already the law of the land. The right hon. Gentleman's rejoicings might be premature. He begged to remind the right hon. Gentleman that the negotiations between the Government and the Nonconformists, between the Government and the moderate Liberals at Cambridge, and between the Government and the extreme Liberals at Oxford were not yet concluded. He could assure the right hon. Gentleman that his congratulations were premature.

MR. FAWCETT said, the right hon. Gentleman the President of the Board of Trade, if consistent, would not only thank the right hon. Member for the University of Oxford, but also the Gentlemen below the Gangway. The right hon. Gentleman must, if consistent, thank them for having uniformly pointed out to the Government what they considered to be their shortcomings, and what, after a certain time, the Government always admitted to be such.

Preamble *agreed to.*

Bill *reported;* as amended, to be considered upon *Monday* next.

STAMP DUTY ON LEASES BILL.

(*Mr. Chancellor of the Exchequer,*
Mr. Stansfeld.)

[BILL 59.] COMMITTEE.

Order for Committee read.

MR. BOURKE said, it might be in the recollection of the House that early in the Session he called attention to the change that had been made in the administration of the law with regard to the stamping of certain deeds, and urged the necessity of immediate legislation. On that occasion he was supported in his views by several hon. Members on the Ministerial side of the House, and on his own, and there seemed to be almost perfect unanimity as to the course the Government should adopt; indeed, only three hon. Members differed from him, and the hon. Member for Perth (Mr. Kinnaird) urged him to bring in a Bill. The observations made by the Chancellor of the Exchequer at the time showed he had not been correctly informed on the matter; but, as the subject was connected with finance, he (Mr. Bourke) waited until the right hon. Gentleman brought in his Bill, and it was not until he found it was quite inadequate that he placed a number of Amendments on the Paper and obtained leave to bring in a Bill himself. The Bill and the Amendments were substantially the same, and although sweeping in character, they were not more so than the Amendments placed on the Paper by the Secretary to the Treasury. During the past three months the Chancellor of the Exchequer had been urged to proceed with the Bill, but he had excused his delay by pointing to the Amendments. At the eleventh hour, however, he (Mr. Bourke) found the Secretary to the Treasury had put Amendments on the Paper giving everything he had asked for in principle, and justifying the course he had taken. He did not blame the Chancellor of the Exchequer; his multifarious duties prevented his making that full inquiry into the stamp duties the occasion required; but now that he had acknowledged the soundness of the principle he (Mr. Bourke) and his Friends had laid down, he asked the right hon. Gentleman to do justice to himself by permitting his Amendments to be clothed in workmanlike language. If the Amendments of the Secretary to the Treasury were passed as they stood the Bill would be a most miserable affair, creditable to none concerned. His (Mr. Bourke's) Bill, which stood for a second reading to-night, had been before the country three months, and had been approved by everybody who had given attention to the subject. Almost every legal society in the kingdom, including the Incorporated Law Society, had given to it the most cordial approval. The Bill of the Government, on the other hand, had gained no friends either in the House or the country, nor would it be acceptable to the public unless it was accompanied by his Amendments. The best course, however, would be to adopt his Bill; it consisted of only one clause, and would be intelligible to the meanest understanding. The 1st clause of the Government Bill was cut about in a most extraordinary manner, and the Secretary to the Treasury proposed to insert the words "or of any usual covenant" in the Bill. It was impossible to say what "usual covenants" were; they were most objectionable words, and no words had given rise to more litigation. With regard to the 2nd clause, about which they had been contending for the last three months, various Amendments had been placed on the Paper—one by the hon. Member for Stockton (Mr. Dodds), another by the hon. Member for Sheffield (Mr. Hadfield), and a third by the Secretary of the Treasury (Mr. Stansfeld). There was no provision in the Bill relating to counterparts, which had given rise to much the same doubts. There was another very serious defect in the Bill. He had received a letter from the Secretary to the Law Society of Manchester, describing the kind of tenure which existed there, under which almost all building operations were carried on. That tenure was a grant in fee reserving a rent; and as this Bill was confined to leases, and grants in fee were not leases, it would give no relief to Manchester. Under these circumstances, he hoped the Government would either accept his Amendments which were on the Paper, or allow his Bill to be read a second time. By adopting either course the Government would earn the thanks of the country, which they could not expect to have if they passed this Bill in its present shape.

Mr. HADFIELD said, he must support the general argument of the hon. Member for King's Lynn (Mr. Bourke). He thought this Bill very little creditable to the Government. It would not in its present shape remedy the grievance complained of. For 14 years after the Act of 1854 was passed by Sir Charles Wood, the Stamp Office did not know the meaning of their own Act, and hundreds of thousands of leases were granted in all parts of the country, which, by a recent decision, were invalid on account of the stamp. That was a serious state of things. The stamp duties yielded an enormous income—some £8,000,000 or £9,000,000 a year—and the Government ought to make the law clear and simple, so that everyone might know what stamps Parliament imposed on his transactions. The case at present was so complicated that, to learn what stamp duty the law required, a denoting stamp was permissible at 10*s.* or 20*s.* duty, to certify that full duty had been paid, and in this clumsy way prevent doubt on the validity of the instrument. Such a state of things was intolerable. He hoped the Bill of the hon. Member for King's Lynn would be adopted. It was good sense, good grammar, and good law. The present Bill was hastily drawn, thrown on the Table in a most imperfect form, and, if proceeded with, certainly must be revised.

Sir HEDWORTH WILLIAMSON said, he desired to thank the Government for having conceded all that had been asked for, and he also thought much credit was due to the hon. and learned Gentleman (Mr. Bourke), without whose able advocacy it was doubtful whether so much would have been obtained.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (As to leases made before the 1st February 1870).

Mr. BOURKE said, he must repeat that the case of the Manchester deeds was excluded from it.

THE CHANCELLOR OF THE EXCHEQUER said, the object of the Bill was to idemnify persons affected by the decision of the Court of Exchequer as to leases made before the 1st of February, 1870, and then to make the law the same as it was before. The hon. and learned Gentleman now wished to extend the operation of the Bill to transactions with respect to freehold, but that would be going beyond the intentions of the Bill.

MR. BOURKE said, those deeds had always been treated in the same way as leases.

THE ATTORNEY GENERAL said, that the decision of the Court of Exchequer was confined to the case of leases, and it was not intended by the Bill to go further than indemnifying parties from loss in consequence of that decision.

MR. RUSSELL GURNEY said, if the measure did not apply to the Manchester deeds, it ought to be made to apply to them.

THE ATTORNEY GENERAL said, he was not prepared to say that the decision of the Court of Exchequer did not apply to the Manchester deeds, as that question was not argued; but in his opinion it did not.

MR. BOURKE said, if the House did not legislate with respect to these deeds exactly the same doubts would arise in their case as in the case of leases.

MR. STANSFELD said, the Bill was only intended to remove a grievance caused by a decision of a Court of Law; and he doubted whether it would be competent in them to insert such a provision as the hon. and learned Gentleman proposed without a special instruction to the Committee. If, as stated by the hon. and learned Gentleman, the Manchester deeds had always been treated in the same way as leases, then the case was met by the Bill.

MR. JESSEL said, he concurred in this view. This was a declaratory Bill. The Act 16 & 17 *Vict.* made the same duty payable upon a fee-farm reservation as was paid upon leases for 100 years; and, therefore the question raised was covered by this Bill. One objection of the hon. and learned Member (Mr. Bourke) was that counterparts were not provided for in the Bill. Had he, however, looked at the Stamp Act of the 13 & 14 *Vict.*, c. 97, he would find that counterparts bore the same stamp as leases, except that in no case could the stamp on the counterpart exceed 5*s.* Everything had been provided for that the hon. and learned Member could desire. The same gentlemen who had waited upon the hon. and learned Gentleman had also waited upon him, and he had laid their grievances before the Government, whom he had to thank for the ready ear with which they had listened to his statement, and had agreed to remedy the defects in the Bill which he pointed out. The measure was a fair and liberal one, and the boon it conferred ought to be thankfully received.

MR. CRAUFURD said, he thought that the meaning of the Bill as it stood at present was rather doubtful, and that it ought to be rendered clear and distinct.

MR. DICKINSON said, he also thought that the law ought to be clearly laid down upon the point.

MR. HADFIELD said, that lands were granted at Manchester and the neighbourhood on fee-farm rent, with a covenant to build, and, therefore, he thought that the same question might be raised as in the case before the Court of Exchequer. He hoped that the Secretary of the Treasury would turn his attention to the subject.

MR. G. B. GREGORY said, he thought that the grievances that had been pointed out had been fairly met by the Bill. The decision in the Court of Exchequer was a most unfortunate one, and a society with which he was connected had been informed that it was very questionable. Some provision ought to be introduced into the Bill giving an appeal from the Court of Exchequer in such cases. He hoped that the question with regard to the Manchester deeds would be set at rest before the Bill left the House.

MR. BOURKE said, he had considerable doubts as to whether the Bill would meet the case of the Manchester buildings; but he would leave the responsibility of the matter on the Government, and not move the Amendment of which he had given Notice.

MR. STAPLETON appealed to the Secretary of the Treasury to consider whether the effect of the Bill in that respect ought not to be made more clear and certain?

MR. ASSHETON CROSS said, he wished to support the appeal of the hon. Member for Berwick-upon-Tweed (Mr. Stapleton).

MR. STANSFELD said, that after what had been said by the Attorney General, he had no doubt that the Bill would cover the case alluded to by the hon. and learned Member for King's Lynn (Mr. Bourke); but the matter would be farther considered.

MR. CHARLEY, who had an Amendment to Clause 2 on the Paper, said he thought the latter part of it might be more properly introduced as an Amendment to the 1st clause. He would, therefore, move to add the following words as part of Clause 1 :—

> "And any person who, on or since the said first day of February and previously to the passing of this Act, shall have paid, in respect of such further consideration, the said Duty of thirty-five shillings, shall be entitled to claim from, and shall be repaid by, the said Commissioners the difference between such last-mentioned Duty and the duty of ten shillings chargeable as aforesaid."

He would not press the Amendment if the right hon. Gentleman would promise that the interest of those whom he wanted to protect would not be forgotten.

MR. STANSFELD said, he could give his hon. and learned Friend the assurance he desired. As a matter of course the extra stamp duty, if paid, would be returned.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Bill *reported*, with an amended Title; as amended, to be considered upon *Thursday*, and to be *printed*. [Bill 161.]

MERCHANT SHIPPING CODE BILL.

(*Mr. Bright, Mr. Shaw-Lefevre, Mr. Stansfeld.*)

[BILL 24.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Shaw-Lefevre.*)

MR. RATHBONE said, that if the House agreed to the second reading he hoped the Secretary to the Board of Trade (Mr. Shaw-Lefevre) would give them an opportunity of debating the measure on the Motion for going into Committee. The shipping interest had for many years urged upon the Board of Trade the necessity for amendment and for consolidation of the laws affecting shipping, and he admitted that the second demand was very largely though not entirely complied with in the present Bill. He gave the hon. Gentleman every credit for the care and ability he had brought to bear on the preparation of the Bill; but some finishing touches to the work was still required, and he trusted the measure would pass the House in so complete a shape that no further legislation on this subject would be necessary for many years to come. The law relating to the settlement of accounts between the shipowner and the shipmaster ought to be very simple; but under the existing system it was complex. There were the amounts due for wages, disbursements, and the liabilities incurred by the master. The Bill gave the master a lien on the ship; but in regard to the second matter he would have to look into the Admiralty Court Act of 1861 for guidance, and in regard to the third he would find there was no statute law affecting it, and that the late and present Judges of the Admiralty Court had given conflicting decisions on the question. He cheerfully admitted that most of the alterations proposed by the Bill were improvements, and would bring the law more in accordance with the circumstances of the present time. He regretted, however, that the Secretary to the Board of Trade had not grappled with the whole subject of ownership of British vessels. The present state of the law, and the rapid development of steam vessels was surely transferring the whole carrying trade to limited liability companies, and he trusted some changes would be made in the law, so that single owners of vessels might not be placed at a disadvantage as compared with shareholders in limited liability companies. It was advisable under these circumstances, that the law should fix the liability on those who should justly bear it. The present state of the law also exercised a deteriorating influence on the quality of British seamen. The Bill required amendment in several points, but he thanked the Secretary to the Board of Trade for many provisions in his measure, and he hoped that when the Bill came into Committee the hon. Gentleman (Mr. Shaw-Lefevre) would be willing to adopt some of the improvements that would be suggested. He especially thanked the hon. Gentleman for the changes he proposed to make in the laws affecting Courts of Inquiry into the causes of losses at sea, and the courage with which he had dealt with several of the decisions come to by Courts of Inquiry. The hon. Gentleman had, by his action, in this respect, shown that, however bad a law may be, judicious administration may correct it. Errors of judgment were, under the present law, punished as crimes—a practice from which one's sense of justice revolted. He heartily supported the second reading of the Bill.

Sir JOHN PAKINGTON said, he desired to make an appeal to the right hon. Gentleman at the head of the Government respecting the difficult position in which this Bill was now placed. He was sure that the right hon. Gentleman did not desire it to be supposed that the Government were indifferent to all measures—however important—which had no connection with party interests. This Bill was of the highest moment. It affected the whole of our vast shipping trade and the lives of our 200,000 seamen. It contained 700 clauses, and he was sure that he should not be misunderstood when he said such a measure ought not to be brought forward except by a Department at the head of which was a responsible Minister of the Crown. No one could possibly lament more than he did the visitation of Providence which had deprived them of the presence of the distinguished Gentleman at the head of the Board of Trade. No one could admit more readily than he did the ability with which that Department had been represented in that House by the Secretary to the Board. But, nevertheless, the hon. Gentleman was a young and inexperienced Member of the House, and he (Sir John Pakington) submitted that it was not consistent with Parliamentary practice that a Bill of such magnitude as this should be entrusted to any but a responsible Minister of the Crown. Moreover, what prospect was there that, at the present advanced period of the Session—with the Education Bill, and other measures of indispensable importance to be disposed of—justice could be done to a Bill such as this, dealing with a variety of extremely important questions. As far back as the beginning of May he felt it his duty to bring a portion of this subject under the notice of the House, when he made most painful statements, which had not since been impugned, and concluded by moving for the appointment of a Royal Commission to inquire into certain matters connected with this great and complicated question. He was opposed, however, by the Government, who refused to accede to the Motion, on the ground that a Bill relating to the subject was already before the House. On that occasion he might remark several hon. Members on both sides of the House, and particularly the hon. Member for Liverpool (Mr. Graves), fully agreed with him that an inquiry was necessary, although they thought it could be conducted by a Select Committee better than by a Royal Commission as he had proposed. Six weeks had elapsed since that Motion, and now, in the middle of June, they were asked to read the Bill the second time. That was not the manner in which such a subject should be dealt with. He would beg to suggest to the right hon. Gentleman at the head of the Government that the most prudent course would be to withdraw the Bill, and to institute an inquiry. If inquiry were now to take place legislation would properly follow in the next Session; and he was convinced not only that nothing would be lost, but that much would be gained by the delay, for hurried legislation was never effective.

Mr. SAMUDA said, while he felt great sympathy with the hope of the right hon. Baronet who had just addressed the House, that an inquiry would be set on foot, he could not see that that was a sufficient reason for preventing the passage of a measure which would confer great advantages on the country generally. The object of the right hon. Baronet, when he brought forward his Motion some weeks ago, was to obtain a general inquiry into all matters connected with the large loss of life which mainly resulted from the overloading of ships and the sending of them to sea in an unseaworthy condition or improperly equipped. He himself believed that enormous loss resulted from this, and, indeed, he laid before the House statistics showing that last year, in the Baltic trade alone, no fewer than 22 vessels out of 282 were lost. He granted that inquiry was needed to ascertain the causes of this loss, but a proper investigation would extend over a long period; and here he might take occasion to remark that whereas the right hon. Gentleman wanted an inquiry in order that it might be followed by restrictive legislation, he wanted it in order that more complete information might be afforded to the shipowners, who would be thereby enabled to take precautions against future loss. The Merchant Shipping Bill would certainly deliver us from some of the great evils which now existed, as it contained clauses which every honest shipowner must hail with satisfaction. First, there was a clause providing that every shipowner who sent a vessel to sea in an unseaworthy condition, either from being overladen or any other cause, should be guilty of a misdemeanor. Another clause provided that sailors should be exempted from the penalty of being declared deserters if they quitted a vessel they believed to be unseaworthy, and which on investigation proved to be so. Again, the iniquity wrought by changing the names of vessels after they had acquired a bad notoriety was fully provided against. It also dealt with an important danger that arose from the practice of placing cargoes on the decks of vessels which had been already loaded below deck to the greatest possible extent. The Bill, however, proposed to enact that, if when a ship was built she was intended to carry a deck cargo, a notice to that effect must be given by the owners, and entered on the register, and the tonnage dues of the vessel increased proportionately, so that both notice of the intention so to use the vesssel would be registered, and the qualification of the vessel to carry such deck cargo ascertained. All these were matters of vast importance, and it would be a hardship on the commercial community if the benefits which the Bill would confer were withheld for a considerable time while an investigation, as desired by the right hon. Baronet, was going on. In almost every instance where those Baltic vessels were lost they were well insured, and he had no doubt that in many cases the loss had been converted into gain. If every insurance were made recoverable only to the extent of two-thirds or three-fourths of the value, the owner would be at no disadvantage with regard to the money which he would have to pay on his policy, while he would himself be the underwriter for the remaining portion of the value of the ship, and would thus become materially interested in the safety of the vessel, and everything that tended to insure it. If this Bill were referred to a Select Committee it would very probably be lost sight of altogether.

Mr. GRAVES said, he could not help sharing in the regret that there had been so great a delay in bringing the Bill before the House; but while he was sorry that the President of the Board of Trade was not able to be in his place, he thought it fortunate that the measure had fallen into the hands of his hon. Friend the Member for Reading (Mr. Shaw-Lefevre) who he knew had taken the utmost pains to ascertain the feelings of the whole mercantile community on the subject. He must confess that he was anxious to advise the Government to take, if possible, a larger and more comprehensive view of the question. He was afraid that as the Bill stood it would only have the effect of patching up legislation, and of making confusion worse confounded by extending the principles of the present Acts, which were admitted to be very defective and unintelligible. Much of the present legislation on the subject of shipping had been the result of compromise. He was not, however, prepared to deny that the Bill was a great improvement on that which had been introduced last year and withdrawn. It was, however, he thought, susceptible of a greater amount of amendment than could be made in it during the remainder of the already overworked Session. It was the general impression that the wording of some of its clauses was ambiguous, and that it dealt with many points in a way which was too minute. The criticism of the Glasgow Steamship Association, which was well worthy the attention of the House, was to that effect. The first portion of the Bill, which related to the registration of ships, consisted of nearly 100 clauses, and it was generally felt that a considerable reduction might with advantage be made in their number by dealing with the matter either by Orders in Council or by Schedules. Then the question of mortgages, which was very important as regarded registry, and of the precise amount of liability which attached to mortgagees, of the liability of part owners to each other and to the general creditors, were wholly untouched by the measure. The second part of the Bill dealt with the officers and seamen of the Mercantile Marine. There was a very strong conviction that the relations between seamen and the owners and captains of vessels were not what they ought to be; that legislation had done much to separate them, and that our seamen had deteriorated—he did not mean to say morally, but physically. Upon that subject he should be prepared to lay before the House such facts as would, he thought, convince hon. Members of the necessity of further inquiry. The seamen themselves had by a Petition, to which 3,000 signatures were attached, asked for such inquiry. The shipowners had also asked for it, and there was not an association in Liverpool, he believed, which had not, by resolution, at all events, made a similar request. He was, therefore, strongly in favour of referring this portion of the Bill to a Select Committee, and at a later period of the evening he would make a Motion to that effect. As to the question of measurement, the Liverpool sailing and steam shipowners alike objected to the system which was proposed by the Bill; while with regard to casualties, although he had opposed the Motion of his right hon. Friend (Sir John Pakington) when he sought to obtain the appointment of a Royal Commission to inquire into them, for reasons which he then gave, he stated that if the matter were referred to a Select Committee he should not object to the adoption of that course. He would now come to points which were not in the Bill, but which ought to be in it, if it claimed the smallest title to be considered a Maritime Code. Many important points of Maritime Law were never dealt with in the Bill. For example, bottomry, *respondentia*, general average, jettison, stoppage *in transitu*, sale of cargo, barratry, rights and liabilities of part owners, and abandonment of voyage, and other such questions. On these points the laws of England were only to be found in the reports of decided cases or the treatises of text writers, who had endeavoured, with more or less of success, to bring these decisions into harmony. In the last addition of *Pritchard's Admiralty Digest*, 4,000 cases were collated, so that there was ample material for a Bill which would establish a really valuable code of Mercantile Law if Parliament would only give the requisite time and attention to it. Some two or three years since an Imperial Commission in France had inquired into the Maritime Code of that country; and every one of the points to which he had alluded, as well as all those comprised in the Bill, were embraced in their Report and dealt with in the French Code. There ought to be no difficulty in our adopting the same course. He might be told that the Bill was already too bulky. But in his opinion it might be reduced one-half. For instance, the portions relating to lighthouses and harbours might be omitted, and the Emigration Acts substituted. Lighthouses really had nothing to do with ships, except that the ships were unfairly made to pay for them. And what had the conservancy of harbours to do with a Shipping Code? The Chain Cable and Anchor Act, which should appear, was quietly dropped out. Was it the intention to repeal that Act? If they merely desired to put under one cover all the Acts relating to the shipping interest they might possibly pass a Bill this present Session, though, if with such contracted views, he had great doubts if they would succeed. In the present state of Public Business, however, it was impossible to pass this Session a Bill which should be worthy of the House and of the nation. More care and inquiry should be devoted to the preparation of such a measure. A portion of it should be dealt with practically upstairs, and a large portion of it should be treated by a Royal Commission; not such an one as usually came under this term, but one where all interests were represented, and which should be presided over by one of the Judges, such a man as Mr. Justice Willes, if he could be induced to devote himself to the reform and consolidation of our Maritime Laws. Then, next year, the House would be able to approach this question more satisfactorily, and lay down principles which should guide for all time a great maritime nation like ours.

Mr. GOURLEY said, the House was much indebted to the care and ability shown by the Secretary to the Board of Trade, and while regretting, with other hon. Members, the absence from that House of the President of the Board, he did not think that was any reason why why they should not proceed with the Bill. He thought, however, several portions of it were objectionable, and especially that which made a shipowner liable to the penalties of a misdemeanor for having a ship at sea in an unseaworthy state. If a vessel were absent from port for three or four years she might become unseaworthy, and it would be very hard that a shipowner should be subject to prosecution for misdemeanor for acts of his servants over which he could have no control. Instead of making the shipowner more responsible than he now was, he thought greater responsibility should be thrown upon the masters and officers of the ship for negligence in navigating their vessels. He must dispute the accuracy of the statement by the hon. Member for the Tower Hamlets (Mr. Samuda), that most of the vessels lost were insured. The very opposite was the case, for the small coasters which were lost were mostly uninsured, both vessel and cargo. It would be a hardship to oblige such small shipowners to insure a certain amount of the property they sent to sea. If the hon. Gentleman's principles were adopted the small shipowner would be driven out of the trade altogether; and he was sure the House would never entertain a proposition of that kind. He would not detain the House at present; but he would reserve what he had to say on the Bill till a later stage, when he intended to move that the Bill be referred to a Select Committee.

Mr. LIDDELL said, he was in favour of immediate legislation and future amendment, rather than inquiry with a view to future legislation. Although the Bill was voluminous, it was not all new, for it was a measure of consolidation, and therefore the House ought not to be frightened by its magnitude. Respecting nineteen-twentieths of the existing law there was no dispute. The new and important provisions of the Bill had for their object the enforcement of additional precautions for the saving of life. He thought there was great weight in what had fallen from the hon. Member for Liverpool (Mr. Graves), and he yielded to no one in the interest he felt in everything connected with the welfare of our sailors. In that part of the Bill which related to the registration of ships the draught of water was to be marked on the hull, and the authorities were required to make a record of the fact. The sending a ship to sea in an unseaworthy condition was created a misdemeanor; and, in addition to that, power was given, in the case of a seaman leaving a ship on the ground of the vessel being unseaworthy, to authorize the justice, instead of committing the man as a deserter, to appoint a competent surveyor to examine the ship. Taking these points into consideration, he thought it would be much better to proceed to legislation at once, and make such improvements in the future as experience might suggest, rather than to shelve the matter for two or three years by making further inquiries into the matter. He thought it desirable that the Board of Trade should be directed to institute an inquiry in all cases involving loss of life, instead of merely having the option of doing so. The Bill had been canvassed throughout the country by the shipping authorities, maritime Chambers of Commerce, and other bodies concerned, who had been in constant communication with the Board of Trade, and the amount of labour which had been expended upon it ought not to be lost. The country would be deeply disappointed if the matter were shelved. It was generally admitted that the present Bill was a great improvement on that of last year, and he thought the House ought to assist the Government in still further improving it. It did not appear absolutely necessary to undertake the task of completing the measure during the present Session, and he thought it might be separated into portions, some of which might be referred to a Select Committee.

Mr. GLADSTONE: Sir, I do not rise to enter in detail into considerations connected with the clauses of the Bill, with which I have, indeed, only a general acquaintance; but it is only just to the right hon. Baronet opposite (Sir John Pakington) that I should, in the spirit in which he addressed the House, make a reply to the appeal which he addressed to me. It should be borne in mind that to-night we are only considering whether we shall proceed to the second reading of the Bill or at once abandon the effort to pass it, either in despair or upon the deliberate preference of the doctrine of the right hon. Baronet that the present is the time for inquiry rather than legislation. The right hon. Baronet based his appeal on two grounds. First, while handsomely and appropriately acknowledging the ability of my hon. Friend the Secretary of the Board of Trade (Mr. Shaw-Lefevre), he contended that a Bill of this nature ought to be in the hands of a responsible Minister, meaning thereby a Member of the Cabinet—a proposition to which I cannot accede, although I fully admit that the observations of the right hon. Gentleman were prompted by public considerations in regard to the merits of the case. There is nothing unusual in the management of such a Bill as this by my hon. Friend who now represents the Board of Trade in this House; and I believe, had the right hon. Member for Birmingham (Mr. Bright) been present, my hon. Friend would still have been entrusted with the conduct of this measure. When we examine the points which come up for discussion in constituting a Mercantile Maritime Code, we find they are all points which do not involve considerations requiring that the responsibility of the Cabinet should be brought to bear upon them in any special sense; and I am sure that the energy, experience, and ability of my hon. Friend render him quite competent to deal with them in this House. The first great effort to create a Code of Law on this subject was made by my right hon. Friend the Member for the city of Oxford (Mr. Cardwell), in 1854, when he was not a Member of the Cabinet; and many important measures could be named which have been carried through this House by Gentlemen who were not responsible Ministers of the Crown. With regard to the subject itself, the right hon. Baronet must be struck by the tone of the debate. With the exception of the senior Member for Liverpool (Mr. Graves) all who have spoken have been favourable to an immediate attempt at legislation; and it would be premature to decide now that there is no hope of passing the Bill this Session. First, the real decision of that question must depend upon the success of the efforts which my hon. Friend will make after the second reading to elicit the opinion of those who are most competent and most entitled to be heard in regard to particular provisions; for this is one of the Bills which, in no inconsiderable degree, are passed rather by the country than by this House. I do not mean by political pressure, but by practical discussion at local centres, where knowledge and experience are accumulated. All that has been said, especially by the right hon. Baronet who has so strong a sense of the defective condition of Maritime Law at this period, is calculated to impress upon the mind a feeling that it would, indeed, be very unsatisfactory if, because we cannot at once stride on to absolute perfection, we were to let another winter pass without effecting those great and important practical improvements in certain portions of the law which the present Bill aims at accomplishing, and which, if I can trust the general expression of opinion in this House, there can be no reason to despair of our effecting with a moderate expenditure of time and labour. I am sure that the right hon. Baronet, whether he is or is not satisfied with the reasons that govern our conduct, will feel that they involve no disrespect to him; but it is my opinion that, under the circumstances of the case, and looking to the general concurrence of feeling in this House, that we should not do our duty unless we were to go forward to the second reading of the Bill, with the intention of giving every facility and assistance we can, in order, if possible, to carry into law a Bill which, if it falls short of absolute perfection, is yet a useful and valuable measure, and represents very great progress in maritime legislation.

MR. HENLEY said, this Bill, though presented as one measure, was hereafter to be considered as 13 separate Acts of Parliament, a plan of proceeding which rendered discussion at this stage almost useless, and one which, he believed, had not been hitherto adopted. He wished to ask the Secretary to the Board of Trade whether all former legislation was to be repealed by the 700 and odd clauses of this Bill, many of which professed to be re-enactments?

MR. SHAW LEFEVRE said, there was a Bill before the House to effect such a repeal.

MR. HENLEY said, repeal and re-enactment were usually effected in the same Bill. In this measure there seemed to be some omission as to wreck, for it did not vest the property in anybody. There was also in the Bill a clause of a very unusual kind, which gave power to enforce the sale by private persons of any rent-charges which they might have on lighthouses, and there was no provision for notice being given to them. He was glad to find that the Bill abolished the mixed proceedings of inquests and trials as to the losses of ships, though he did not think the "quasi-criminal" tribunal proposed in the Bill would be satisfactory. Some other points, especially that about the Board of Trade purchasing wreck, would require consideration in Committee. Another part of the Bill was very questionable—that which gave special powers to the magistracy to deal with maritime offenders—while in one instance there was a great departure from the existing law, and he did not know how the alteration could be maintained in this particular case, if it was not also to be made general. That instance was, the allowing defendants in cases of assault to be examined as witnesses. There were many other points about this measure which required discussion; for instance, the Bill attempted to deal with overloading and the unseaworthiness of ships, but in so delusive a manner that it would be almost better not to touch the subject at all, for there was a Saving Clause which was quite equal to the Equity Clauses in the Irish Land Bill. It was to be a misdemeanour to send a vessel to sea "so as to endanger life," which raised one question. Another question was, whether the ship was sent to sea under circumstances which were "unavoidable and reasonable." How it could ever be reasonable to send an unseaworthy ship to sea, he could not understand. That qualification opened a very convenient door for escaping from the provisions of the Bill, while a third would raise some very nice questions for the lawyers hereafter to decide. Unless the Government could legislate on the subject in a more satisfactory manner than by this Bill, it would be almost better to leave the matter alone, because they professed to hold out something, which was, however, so fenced and guarded that it absolutely came to nothing. It would be better to wait another year, and then pass a perfect measure, because if the present Bill became law it would unsettle everything, while it must be afterwards amended. He suggested that the Government should consent to the Bill being referred to a Committee upstairs, before whom the shipping interests might battle over it and get it into such a shape that it would pass without discussion, and be more satisfactory than if so many clauses were fought out in the House.

Mr. T. E. SMITH said, he thought it would be a most desirable step to pass the Bill as a measure of consolidation, and as a basis of whatever subsequent legislation might be deemed requisite in respect to shipping. He believed that the Board of Trade deserved thanks for the way in which mercantile opinion throughout the country had been consulted, and for the pains which had been bestowed upon the measure. They all regretted the absence of the right hon. Gentleman the President of the Board, but although the right hon. Gentleman might have advocated the measure with more eloquence, he could not have devoted to it more pains or brought to bear upon it more practical knowledge and ability. The hon. Member for the Tower Hamlets (Mr. Samuda) had said that last year 22 ships out of 282 engaged in the Baltic trade had been lost; but it was difficult on these figures to arrive at his conclusion that the average life of a ship in the Baltic trade was only four years. The hon. Member had suggested that a limit should be imposed on the risk covered by marine insurance; but he believed that such a proposal was illusory and impracticable, and also contrary to the spirit of prudent legislation. To say it should not be lawful, for example, to insure more than two-thirds of the value of shipping property would be to attempt to discourage prudence, and in consequence would be to throw the shipping trade into the hands of large companies and very wealthy private owners. Moreover, if the attempt were made, a mutual insurance company based entirely on honour might be easily formed that would entirely defeat it. He thought it was very desirable that every part owner of a ship should be liable for all the responsibilities of the ship. In conclusion, while he thought it very desirable that there should be a perfect Code of Shipping Law, he believed that if that Bill were carried to a successful termination, an important advance would be made in the development of commercial legislation, and a measure passed that would give much satisfaction to the shipping interest.

Mr. STEPHEN CAVE did not agree in the expediency of passing an imperfect measure, which they would have to pull to pieces again next Session. He thought that unless a satisfactory Bill could be passed it would be better to defer legislation altogether. This was not a party question, and the Bill might be viewed as the work, not of one, but of two or even of more successive Governments. When it was objected that the measure was not in the charge of a Member of the Cabinet, he congratulated himself on not being in the same position as the Secretary to the Board of Trade; because if the late Government had remained in Office a little longer, it might probably have been his own duty, though not what was called a responsible Minister of the Crown, to introduce legislation on that subject. Those who had charge of those matters were rather unhappily placed. There was a constant outcry for legislation on the part of the shipowners, and while he was in Office scarcely a fortnight passed without his being asked whether he had not a Bill ready. Yet when measures were proposed relating to that question it was most difficult to carry them, because on the one side they were held not to be stringent enough, and on the other side to be too stringent. It had been objected to the present Bill that it was a compromise; but he did not think any legislation on that subject could be carried which was not a compromise. He should vote for the Bill, though in many of the observations made as to the faults, both of omission and commission, he entirely agreed; but he thought that the debate had shown that the House was quite capable of amending it, and that with the assistance of the right hon. Gentleman the Member for Oxfordshire—than whom no man was more capable of picking holes in any Bill—and with the aid of other Gentlemen who took an interest in the question, a Committee of the Whole House might be able to deal with the measure or with a considerable portion of it. As to what the hon. Member for Liverpool had said about bottomry, barratry, and various other legal questions, such as were contained in the pages of *Abbott on Shipping*, he thought that these subjects might well be included in a separate Bill, instead of being embraced in a Bill like the present, which sought to regulate the practice of merchant shipowners and seamen rather than the law relating to shipping. To refer the Bill to a Committee upstairs, taking evidence on all those various subjects, would be simply to shelve the whole measure. He felt sure the Secretary of the Board of Trade would consult all interests, and even recast the measure if necessary. He had ventured to suggest on a former occasion that the Bill, which really contained 13 Acts of Parliament, might be divided and passed piecemeal, some questions being, if advisable, referred to Committees for further inquiry. The question, however, before the House was, whether they would give the Bill a second reading, and, deeming legislation to be necessary, without saying this was perfect in any sense, he thought that it ought to be read the second time.

Mr. SHAW-LEFEVRE said, he desired first to express his thanks to hon. Members for the manner in which the Bill had been received. and also for the way in which they had spoken of his work in connection with it. He must plead guilty of the want of one qualification—not being a Cabinet Minister; but he had always felt in all the work he did that he was responsible both to the House and the country. As had already been pointed out, his present position in that matter was not very different from that occupied by many former Vice Presidents of the Board of Trade. The hon. Member for Liverpool (Mr. Graves) had suggested that it would be better to postpone that Bill until they could have a much larger measure dealing with all the numerous questions affecting shipping, freight, insurance, and other subjects. No doubt, it would be a most desirable thing to have a Code treating of every branch of Shipping Law; and, certainly, if he should hold his present Office for any lengthened period, he would endeavour to bring that about. Still, he thought it would be better, with that view, to codify so much of the Law of Shipping as was in the statute book, leaving to a future occasion those parts of the subject comprised in the unwritten law. If there was a difficulty in passing a Bill of 800 clauses, how much more difficult would it be to pass one containing 1,600, which would probably be the number required to carry out his hon. Friend's very wide scheme? In reference to the remark of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), he would say that, though the Bill dealt with 13 different branches of subjects, they were treated in a manner calculated to enable the House to discuss their merits in the most convenient and satisfactory form. The hon. Member for Liverpool recommended that the Bill should be referred to a Select Committee, and with reference to a particular branch of the subject proceeded to give the House a very gloomy view of the state of things. There was, no doubt, a great deal of force in what the hon. Member said; but he had looked only at one side of the question, and there was another of which a much more favourable view could be taken. The hon. Member referred, he believed, only to seamen belonging to long-voyage sailing vessels. Now, he (Mr. Shaw-Lefevre) had made much inquiry on the subject, and he found that the seamen employed on board steamers were in a vastly improved condition. Voyages in steamers were made at stated times, the service was regular, the men employed in them were able to spend a certain period with their families, and the consequence was that most of the best men were drafted into the steam trade, and perhaps, as a consequence, the average of seamen in sailing vessels had somewhat deteriorated. But he looked forward with hope to an improvement in the condition of our seamen, which was certain to result from the increase of steam. Then, again, during the last 14 years the wages of seamen in sailing vessels had not improved. He had learnt from inquiry that there were a large number of efficient seamen if only shipowners would give higher wages, and then they would have no difficulty in getting the seamen they wanted. In the Bill now before the House, there was a considerable number of Amendments having in view the improvement of the condition of seamen generally; these Amendments had been laid before the House, and had met with approval not only from hon. Members most interested in the subject, but from the country at large. The House must not take the Bill to be of a more extensive or ambitious character than it really was. It was, in the main, a Consolidation Bill. It was admitted to be essential to bring together all the existing Acts, which were in a state of chaos, and the opportunity was taken of making various Amendments, which had been pointed out in the Memorandum to which he had called attention, and had been explained in great detail. He had reason to believe that nine-tenths of those Amendments had been accepted by persons most interested in the question, and that the points of difference were really confined to a very few clauses. It was that circumstance which made him think that the Bill might pass this Session if hon. Members would only exercise a little forbearance and not raise discussions on points not contained in the Bill. He admitted there were subjects open to debate, such as the light dues, the constitution of the Trinity Board, and others not dealt with in the Amendments; but if hon. Gentlemen would insist on discussing these subjects either in Committee of the Whole House or in a Select Committee neither this nor any other Consolidation Bill could pass this Session, or in any normal Session. The only chance of consolidation at present was that the House would mainly confine itself to the Amendments which had been printed, or to such others as were *pari materia.* He would now say a few words on the subject which had been brought before the House on a former occasion in so forcible a manner by the right hon. Member for Droitwich (Sir John Pakington). The right hon. Baronet admitted that if the course he recommended were adopted it would postpone legislation for the present year. He understood the right hon. Baronet to desire that the Bill should be postponed until next year, and that it should then be referred to a Select Committee. His answer would be very much the same as it was in the debate three weeks ago. He admitted to some extent the evil of which his right hon. Friend complained, but he did not believe that the number of losses of vessels or lives had increased for some years past. He admitted that there was a certain number of cases in which vessels were lost from overlading, which had given rise to great anxiety, and in view of these they had inserted in the Bill several Amendments. It seemed, therefore, not unreasonable to ask his right hon. Friend, if not satisfied with these Amendments, to propose others himself, and he (Mr. Shaw-Lefevre) would be happy to give them the best consideration. The Bill on this subject introduced by the hon. Member for Derby (Mr. Plimsoll)) was no doubt deserving of consideration; but, although desirous of affording every fair opportunity for discussing its provisions, he did not think that it dealt with this important subject in the most effectual manner. The right hon. Member for Oxfordshire (Mr. Henley) had objected to the clause which made it a misdemeanor to send a ship to sea in an unseaworthy condition. Though there were some exceptions in the clause which would diminish its effect, he did not think if they examined it carefully it would be found to diminish the penalties where it was desirable that penalties should be enforced. He accepted the version of the right hon. Baronet (Sir John Pakington) as to the *Sea Queen*, though he was bound to say he could not quite concur in it. He thought that there was evidence on the other side which went to show that there was a different cause for the loss of that vessel. But supposing the version of the right hon. Baronet to be correct, the case seemed to be precisely one to which the clause would apply. The law as it stood at present relieved the seaman from going to sea in an unseaworthy vessel. But what happened was this—The seaman was arrested as a deserter if he left the vessel; and, practically, he had no opportunity of calling witnesses as to its condition. What the Bill before the House proposed was that, in the first place, the seaman who left a vessel because she was unseaworthy would not be considered as a criminal; he might give evidence himself, and call in a Board of Trade surveyor to speak to the condition of the vessel. In the case of the *Sea Queen* the seamen knew her exact state, and complained that they were going to sea in an unseaworthy vessel; but they were afraid to leave her lest they might be treated as deserters. In three cases their wives came before the Court and said that their husbands would not leave the vessel because they were afraid of being treated as deserters. But that was precisely such a case as the Amendments in the Bill would meet. It might be said that in no case would sailors be induced to leave a vessel because she was unseaworthy; but the experience of the Board of Trade was very different. There were a great number of cases in which seamen left their vessels on the ground of their being unseaworthy. In some cases there was no ground for such assertions; but it must be admitted that in other cases these objections were well founded and reasonable. Many other subjects had been referred to, but those were points of detail, which would more properly be considered in Committee. He promised that, between this time and the Committee, no effort should be wanting on his part in order to ascertain the views of hon. Gentlemen, particularly of those who represented shipping communities. Meanwhile, he had reason to believe that the Amendments would be accepted without much difficulty, and there would be few cases which would give rise to prolonged discussion. No doubt there were other points affecting the condition of our seamen which might be dealt with. But there never was a time when our Mercantile Marine was in a more pre-eminent position relative to that of other countries, and he hoped this measure would consolidate and maintain that pre-eminence, and would long preserve our Mercantile Marine in its present proud position.

Question put, and *agreed to.*

Bill read a second time, and *committed.*

Motion made, and Question proposed, "That the Bill be committed to a Committee of the Whole House for Monday next."

MR. GRAVES, who had given Notice of a Motion, That the Bill be referred to a Select Committee, so far as regards Part 2, relating to Masters and Seamen, said, he did not think he had taken too gloomy a view of the condition of our seamen. Some months ago a representative Committee was formed in Liverpool, which sent out queries on this subject; and 89 per cent of the answers stated that the seamen had deteriorated as seamen, 65 per cent stated that they had deteriorated in physical condition, and 71 per cent that they had deteriorated in respect of subordination. This Committee recommended that, before being rated as A.B.'s, seamen should obtain a certificate of competency; and the seamen themselves desired this, with a view to their protection from men who did not know their duty. They also recommended that advance notes should be rendered illegal; that sailors' lodging-houses should be licensed; that communications should be opened with foreign Governments with a view to put down the crimping system; that the Government should provide training ships at all our large seaports, encourage as much as possible the apprentice system, and establish a compulsory benefit fund for seamen. These questions not only affected the welfare of our seamen, but the national prestige, and ought to command attention in legislating upon this subject. Seeing, however, the desire of the Government and of the House that no impediment should be thrown in the way of the present Bill, he should withdraw his Amendment, strongly convinced though he was that a preliminary inquiry ought to be made.

Sir JOHN PAKINGTON said, he was somewhat surprised at this withdrawal. His own proposal would be to refer Parts 3 and 6 to a Select Committee; Part 3 having reference to overloading, and Part 6 to collisions. It was impossible to pass a Bill of 700 clauses this year without a precipitancy which the Government would regret unless they referred these parts of the measure to a Select Committee. He was not a shipowner; he did not represent a seaport; but he was anxious to save the lives of his fellow-countrymen, which were now destroyed at the rate of hundreds every year. This was no light matter, to be disposed of out of courtesy to a Government or to anybody. Although he did not profess to have any practical knowledge of the subject, letters had poured in upon him from all parts of the kingdom, and it was clear that the overloading of vessels and collisions were fertile sources of danger. Moreover, both were subjects of great practical difficulty, which could only be satisfactorily settled by bringing together competent authorities before a Commission or a Committee appointed to carry on an impartial inquiry. He believed a Royal Commission would really be the most effectual mode of conducting the inquiry; but he was quite prepared to intrust it to a Committee upstairs. The matter, however, was a grave one. The important facts which he had detailed the other day had none of them been gainsaid; and he would, therefore, urge the Government to consent to his Motion that the Bill be referred to a Select Committee so far as regards Parts 3 and 6 of the Bill, with power to take evidence with respect to the best mode of preventing overlading of ships and collisions at sea.

Amendment proposed,

To leave out from the words "be committed" to the end of the Question, in order to add the words "to a Select Committee, so far as regards Parts 3 and 6, with power to take evidence with respect to the best mode of preventing overlading of ships and collisions at sea," — (*Sir John Pakington,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. GLADSTONE said, that after the debate that had been held upon the second reading it would be very desirable to allow the Government a short time to consider what was the best course to pursue. At the present moment, certainly, the Government were not prepared to consent to a reference of the Bill to a Select Committee, if to that reference the condition were attached that the Committee should take evidence. At the same time, it would be advantageous that a little time should be allowed for considering the matter, and his hon. Friend and the right hon. Baronet opposite would not be prejudiced if it were now agreed to adjourn the debate.

Sir JOHN PAKINGTON said, he was ready to accede to the suggestion of the right hon. Gentleman.

Mr. GRAVES said, he hoped that if the Government took any other course that that of merely allowing the Bill to be committed in the ordinary way, the fact that he had expressed a willingness to yield to their appeal would not prejudice him in raising the question as to Part 2.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill *committed* for *Monday* next.

BOARD OF TRADE BILL—[Bill 56.]

(*Mr. Shaw-Lefevre, Mr. Stansfeld.*)

SECOND READING.

Order for Second Reading read.

In reply to Mr. Sclater-Booth,

Mr. SHAW-LEFEVRE said, that it was not intended by the Bill to make any change in the constitution of the Board of Trade. As to the rating clauses he was not quite certain, but believed they were intended to replace those which were repealed by the previous Bill.

Bill read a second time, and *committed* for *Monday* next.

RATING (IRELAND.)

MOTION FOR A SELECT COMMITTEE.

Mr. CHICHESTER FORTESCUE moved, that a Select Committee be appointed to inquire into the operation of the present area of rating within Poor Law Unions in Ireland, with a view to ascertain whether such area of rating might with advantage be extended.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the operation of the present area of rating within Poor Law Unions in Ireland, with a view to ascertain whether such area of rating might with advantage be extended." — (*Mr. Chichester Fortescue.*)

Colonel WILSON-PATTEN said, he hoped the right hon. Gentleman (Mr. Chichester Fortescue) would not at that late hour proceed with the Motion for the appointment of a Committee on a subject affecting so materially the whole interests of Ireland. This was the first time the question had been mooted since 1861, when the subject was thoroughly ventilated.

Lord CLAUD HAMILTON said, he hoped the right hon. Gentleman would not take such a step at that time of night.

Mr. M'MAHON said, he hoped the right hon. Gentleman would not consent to postpone the discussion. He only regretted that a Bill had not been brought in at once to assimilate the law of Ireland to that of England.

Mr. CHICHESTER FORTESCUE said, his object was to fulfil a promise he had made, and which, he had every reason to believe, was entirely acceded to by the Irish Members. The only possible objection arose out of the period of the Session at which they were now arrived; but that was not a sufficient objection, because, limited as the inquiry was to the question of the area of rating in Poor Law Unions in Ireland, there was no reason why it should not be got through in a few weeks, and they would be in a much better position to form an opinion whether any and what legislation was required on the subject. The inquiry which had already been made did not at all preclude further inquiry, but, having been very imperfect, was rather an additional reason for it. He hoped no opposition would be made to the appointment of the Committee.

Mr. GREGORY said, he sincerely hoped his right hon. Friend would not persevere in the appointment of such a Committee this Session. They had already had enough of arduous duty connected with the consideration of Irish affairs, and it would be well to remember the old saying that none could carry more than they could bear.

Mr. COLLINS said, he would beg to move that the debate be now adjourned. It was generally understood that they should not enter upon any controverted matter after one o'clock, and this was not only controverted, but might lead to an Irish row.

Debate *adjourned* till *To-morrow.*

SALMON ACTS AMENDMENT BILL.

On Motion of Mr. Malcolm, Bill to amend the Acts relating to the Export of unseasonable Salmon, *ordered* to be brought in by Mr. Malcolm, Mr. Hambro, and Mr. Cameron.

Bill *presented,* and read the first time. [Bill 163.]

House adjourned at One o'clock.

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HANSARD'S PARLIAMENTARY DEBATES.

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EXPLANATION OF THE ABBREVIATIONS.

In Bills, Read 1°, 2°, 3°, or 1ª, 2ª, 3ª, Read the First, Second, or Third Time.—In Speeches 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—R. P., Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st. Div.*, *2nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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Irish Land, Comm. *add. cl.* 1259; 3R. 1626

Brazil—Crew of the "Mary Hamilton"
Question, Mr. Finnie; Answer, Mr. Otway *June* 13, 1942

BREWER, Dr. W., *Colchester*
Irish Land, Comm. *cl.* 18, Amendt. 581
Vagrants, Police Regulation of, Res. 632

Bridgwater and Beverley Disfranchisement Bill (*Mr. Attorney General, Mr. Solicitor General, Mr. Secretary Bruce*)
c. Committee *; Report *May* 5 [Bill 98]
Considered * *May* 6
Read 3° * *May* 9
l. Read 1ª * (*The Lord Chancellor*) *May* 10
Bill read 2ª, after debate *May* 27, 1491 (No. 87)
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Bridgwater and Beverley—Distribution of Seats
Question, Mr. Hibbert; Answer, Mr. Gladstone *May* 5, 280

Bridgwater Election Commissioners—Mr. Fenelly
Question, Mr. J. Lowther; Answer, Mr. Bruce *June* 9, 1769

BRIGHT, Mr. Jacob, *Manchester*
East India (Council of State), Res. 832
Married Women's Property, 2R. Amendt. 893
*Women's Disabilities, 2R. 194, 239; Comm. 620

BRISE, Colonel S. B. RUGGLES-, *Essex, E.*
Customs and Inland Revenue, Comm. *cl.* 6, Amendt. 1801

British Columbia Bill [H.L.]
(*The Earl Granville*)
l. Presented; read 1ª * *May* 30 (No. 123)

British Honduras
Question, Mr. Barnett; Answer, Mr. Monsell *June* 10, 1843

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Distribution of Duplicate Works, Question, Mr. C. Dalrymple; Answer, Mr. Spencer Walpole *May* 16, 737
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Broadmoor Criminal Lunatic Asylum
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Brocklehurst, Mr. W. C., *Macclesfield*
France — Commercial Treaty, Motion for a Committee, 147

Brodrick, Hon. W., *Surrey, Mid.*
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Bruce, Right Hon. H. A. (Secretary of State for the Home Department), *Renfrewshire*
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Bruce, Sir H. H., *Coleraine*
Irish Land, Comm. *cl.* 5, Motion for Adjournment, 384; *cl.* 41, 754, 759; *add. cl.* 1032; Motion for Adjournment, 1033; Consid. 1417; *add. cl.* 1423

Bruen, Mr. H., *Carlow Co.*
Irish Land, Comm. *cl.* 3, 38, 51, 290; *cl.* 4, 296, 321; *cl.* 5, 384; *cl.* 6, Amendt. 397; *cl.* 8, 409; *cl.* 14, 428; *cl.* 18, 583; *cl.* 19, 587; *add. cl.* 1033, 1255, 1257; Consid. 1417; *add. cl.* 1433; Amendt. 1438

Bryan, Mr. G. L., *Kilkenny Co.*
Irish Land, Comm. *add. cl.* 1258; 3R. 1697

Bulwer, Right Hon. Sir H. L., *Tamworth*
*Greece — Murder of British Subjects, Res. 1144, 1160

Burials (*re-committed*) Bill
(*Mr. Osborne Morgan, Mr. Hadfield, Mr. M'Arthur*)
c. Report of Select Committee *May* 10 [Bill 123]
Committee—R.P. *May* 27, 1558

Burke, Mr. E. Haviland,- *Christchurch*
India—East India Company, 1768

Bury, Viscount, *Berwick-on-Tweed*
Customs and Inland Revenue, Comm. 1794; *cl.* 11, 1806, 1807

Buxton, Mr. C., *Surrey, E.*
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Attorneys and Solicitors Remuneration, Comm. *cl.* 4, 1919
Canada—Fenians, Invasion by, 1465
Ecclesiastical Titles Act Repeal, 2R. 1483, 1487
High Court of Justice, Comm. 1567, 1588; Report, 1923, 1927, 1928
Irish Church Act Amendment, 2R. 1269
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Campbell, Mr. H., *Stirling, &c.*
County Government, Res. 1853

Canada, Dominion of
Fenian Invasion, Question, Sir Charles Adderley; Answer, Mr. Monsell *May* 26, 1411; Question, The Earl of Carnarvon; Answer, Earl Granville; debate thereon *May* 27, 1462; Question, Mr. Whalley; Answer, Mr. Monsell *May* 27, 1495
Red River Settlement—The Insurrection, Question, Lord Lyveden; Answer, Earl Granville *May* 5, 251; Question, Sir Charles Adderley; Answer, Mr. Monsell *May* 5, 280; *May* 6, 325; Observations, Mr. R. N. Fowler; Reply, Mr. Monsell; short debate thereon *May* 20, 1088

Canada Railway Loan
Amendt. on Committee of Supply *June* 10, To leave out from "That" and add "in the opinion of this House, the provisions of the Act of the Canadian Legislature, 31 Vic. c. 13, do not satisfactorily fulfil the requirements of 'The Canada Railway Loan Act, 1867'" (*Mr. Monk*), 1844; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

CANDLISH, Mr. J., *Sunderland*
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Customs and Inland Revenue, Comm. *cl.* 23, 1812
Irish Land, Comm. *cl.* 41, Amendt. 752
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CARDWELL, Right Hon. E. (Secretary of State for War), *Oxford City*
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  Band in Hyde Park, 630
  Canteens in Barracks, 109
  Coldstream and Fusilier Guards, 5
  Colonels of the Indian Army, 107
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CARNARVON, Earl of
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CAVE, Right Hon. S., *New Shoreham*
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CAWLEY, Mr. C. E., *Salford*
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CECIL, Lord E. H. B. G., *Essex, W.*
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CHAMBERS, Mr. M., *Devonport*
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  Naval Stores, 1750

CHANCELLOR, The LORD (Lord HATHERLEY)
Appellate Jurisdiction, Comm. 1928, 1931
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Bankrupt Law Amendment (Ireland), 2R. 86
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Ecclesiastical Patronage Transfer, Comm. 570
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High Court of Justice, Comm. 1561, 1586; Report, 1921, 1923
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CHANCELLOR of the EXCHEQUER (Right Hon. R. LOWE), *London University*
Army—Kirwee Prize Money, Motion for an Address, 1527, 1535, 1536, 1542, 1548
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Chancery Court of Appeal—State of the
  Question, Mr. Winterbotham; Answer, The Attorney General *May* 30, 1597

CHAPLIN, Mr. H., *Lincolnshire, Mid.*
  Irish Land, Comm. *cl.* 4, Amendt. 320

Charitable Trusts Act (1869)
  Question, Mr. A. Johnston; Answer, Mr. Stansfeld *June* 9, 1767

Charity Commissioners' Report
  Question, Mr. Neville-Grenville; Answer, Mr. Gladstone *May* 12, 573

CHARLEY, Mr. W. T., *Salford*
  Conventual and Monastic Institutions, Motion for a Committee, 534
  County Coroners (Ireland), 2R. 551
  Illegal Lotteries, 350
  Irish Land, Comm. *cl.* 3, 40; Consid. *cl.* 26, Amendt. 1442
  Lowry, Mr., Appointment of, 1769
  Married Women's Property, 2R. 891
  Public Schools, Motion for an Address, Motion for Adjournment, 1687
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CHELMSFORD, Lord
  Appellate Jurisdiction, Comm. 1933
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CHILDERS, Right Hon. H. C. E. (First Lord of the Admiralty), *Pontefract*
  Customs and Inland Revenue, Comm. 1761
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    "Active" and "Volage," The, 1271
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    Emigration by Troop Ships, 463
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    Coast Guard Service, 1676
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    Steam Machinery, &c. 1761, 1763
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Children, &c. Protection Bill [H.L.]
  (*The Marquess Townshend*)
l. Presented; read 1ª* *May* 5 (No. 84)

China
  Consular Establishments, Question, Mr. Rylands; Answer, Mr. Otway *May* 23, 1190
  Consular Etiquette, Question, Colonel Sykes; Answer, Mr. Otway *May* 13, 631; *May* 17, 810

Church of England
  Clerical Dignitaries, Resignation of, Question, Sir Massey Lopes; Answer, Mr. Gladstone *May* 27, 1494
  Established Church (*Wales*), Moved, "That, in the opinion of this House, it is right that the Establishment of the Church and its Union with the State should cease to exist in the dominion and principality of Wales" (*Mr. Watkin Williams*) *May* 24, 1274; after debate, the House divided; A. 45, N. 209; M. 164
    Division List, Ayes and Noes, 1304
  Lectionary, Revision of the, Question, Mr. Bowring; Answer, Mr. Gladstone *May* 9, 393
  Ritual Commission, The, Question, The Earl of Shaftesbury; Answers, Earl Granville, The Bishop of Winchester *May* 16, 732

Churchwardens Liability Bill [H.L.]
  (*The Marquess of Salisbury*)
l. Presented; read 1ª* *May* 16 (No. 101)
  Read 2ª* *May* 27
  Committee*; Report *May* 31

Civil Service—Open Competition
  Question, Mr. Winterbotham; Answer, Mr. Gladstone *May* 31, 1702; Question, Lord Claud John Hamilton; Answer, Mr. Gladstone *June* 13, 1943

Civil Service Pensions
  Question, Mr. Monk; Answer, Mr. Stansfeld *May* 10, 460

CLANRICARDE, Marquess of
  Bankrupt Law Amendment (Ireland), 2R. 85
  Canada—Fenians, Invasion by, 1468
  Ireland—Ecclesiastical Titles Act, 3
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  Irish College, &c. Paris, Address for Papers, 385, 389; Motion for a Paper, 572
  Medical Act Amendment, 2R. 258
  Parliament—Order of Debate, 1938

CLARENDON, Earl of (Secretary of State for Foreign Affairs)
  Greece, Murder of British Subjects, 1177
  Naturalization, Commons Amendts. 391

CLAY, Mr. J., *Kingston-on-Hull*
  Contagious Diseases Acts Repeal, Leave, 1345

Clerical Disabilities Bill
(*Mr. Hibbert, Mr. John Lewis, Mr. Biddulph*)
c. Moved, " That the Bill be now read 2° " *May* 25, 1365; after debate, Question put; A. 137, N. 56; M. 81; Bill read 2° [Bill 49]

CLEVELAND, Duke of
Sequestration, 2R. 802

COGAN, Right Hon. W. H. F., *Kildare Co.*
Conventual and Monastic Institutions, Motion for a Committee, 529
Irish Land, Comm. *add. cl.* 1031, 1261; Consid. *add. cl.* 1419, 1431

COLCHESTER, Lord
Army — Regimental Canteens, Address for Papers, 268
Bridgwater and Beverley Disfranchisement, 2R. 1493; Comm. 1694

COLEBROOKE, Sir T. E., *Lanarkshire, S.*
County Government, Res. 1867
Customs and Inland Revenue, Comm. *cl.* 21, 1810
Public Prosecutions, Motion for a Committee, 479

COLERIDGE, Sir J. D., *see* SOLICITOR GENERAL, The

COLLIER, Sir R. P., *see* ATTORNEY GENERAL, The

COLLINS, Mr. T., *Boston*
Ireland — Rating, Motion for a Committee, 2010
Public Prosecutors, 2R. 245

COLTHURST, Sir G. C., *Kinsale*
Irish Land, Comm. *cl.* 14, 427

Commons Inclosure Bill
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
c. Ordered; read 1°* *May* 6 [Bill 119]
Moved, " That the Bill be now read 2° " *June* 10, 1911; after short debate, Debate adjourned

Contagious Diseases Acts (1866—1869) Repeal Bill
c. Moved, " That leave be given to bring in a Bill to repeal the Contagious Diseases Acts (1866—1869)" (*Mr. W. Fowler*) *May* 24, 1306
Strangers Ordered to Withdraw—Report of the opinions of the several Members who addressed the House, so far as they can be ascertained
Moved, " That the debate be now adjourned" (*Major Anson*); after long debate, Question put; A. 229, N. 88; M. 141; Debate adjourned

Contagious Diseases Acts—The Petitions
Question, Observations, Viscount Lifford, The Duke of Argyll; Reply, The Earl of Minto *May* 24, 1264

Conventual and Monastic Institutions
Question, Mr. Reed; Answer, Mr. Newdegate *May* 2, 6
Order read for resuming Adjourned Debate on Amendt. proposed to Question [8th April], " That the Select Committee on Conventual and Monastic Institutions be nominated by the Committee of Selection" (*Mr. Newdegate*)—namely, to leave out from " That the" and add " Order for the appointment of the Select Committee on Conventual and Monastic Institutions be discharged" (*Mr. Cogan*); Question again proposed, " That the words, &c.;" Debate resumed *May* 2, 51; after short debate, Question put, and negatived
Question proposed, " That those words be added, instead thereof;" after further debate, Moved, " That the debate be now adjourned" (*Mr. Greene*); Motion withdrawn; Question put; A. 270, N. 160; M. 110; main Question, as amended, put, and agreed to; Order discharged
Motion made, and Question proposed, That a Select Committee be appointed " to inquire into the state of the Law respecting Conventual and Monastic Institutions or Societies in Great Britain, and into the terms upon which income, property, and estates belonging to such Institutions or Societies, or to members thereof, are respectfully received, held, or possessed" (*Mr. Gladstone*); after further debate, Question put; A. 348, N. 57; M. 291
List of the Committee *May* 10, 529
Moved, " That it be an Instruction to the Committee that they have power to include in their inquiries, Anglican and other religious institutions in Great Britain of a Conventual or Monastic character" (*Mr. Eykyn*); after short debate, Motion agreed to
Moved, " That it be an Instruction to the Committee not to inquire into matters which would involve a criminal charge against any person, or the forfeiture of any legal or equitable interest in property" (*Mr. Mathews*), 530; after short debate, Motion withdrawn
Moved, " That the Select Committee on Conventual and Monastic Institutions, &c., do consist of sixteen Members" (*Mr. Newdegate*) *May* 23, 1262; after short debate, Question put; A. 34, N. 95; M. 61

Copyright, International
Question, Mr. Macfie; Answer, Mr. Otway *May* 30, 1595

CORBETT, Colonel E., *Shropshire, S.*
Public Schools, Motion for an Address, 193
Suburban Commons, 2R. 567

Corporation of London Bill
(*Mr. Buxton, Mr. Thomas Hughes*)
c. Moved, " That the Bill be now read 2° " *May* 18, 893
After short debate, Amendt. to leave out " now" and add " upon this day six months" (*Mr. Bentinck*); Question proposed, " That 'now,' &c.;" after further short debate, Debate adjourned [Bill 67]

CORRANCE, Mr. F. S., *Suffolk, E.*
Friendly Societies, 1410
Irish Land, Comm. *cl.* 3, Amendt. 33; *cl.* 4, 292, 293, 305, 319; *cl.* 6, 397; *cl.* 8, Amendt. 400, 404; *cl.* 18, 584; *cl.* 41, 746, 770; *cl.* 66, Amendt. 772
Vagrants, Police Regulation of, Res. 643

Corrupt Practices
Committee [April 11] nominated; List of the Committee *May* 3, 194

CORRY, Right Hon. H. T. L., *Tyrone Co.*
Navy Estimates—Admiralty Office, 1666, 1669
Miscellaneous Services, 1678
Naval Stores, 1751, 1755
Victualling Yards, 1677, 1703, 1709

County Coroners (Ireland) Bill
(*Mr. Vance, Mr. Callan*)
c. Moved, "That the Bill be now read 2°" *May* 11, 548
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Ayrton*); after debate, Question put, "That 'now,' &c.;" A. 98, N. 172; M. 74; words added; main Question, as amended, put, and agreed to; 2R. put off for six months [Bill 64]

County Courts (Buildings) Bill
(*The Marquess of Lansdowne*)
l. Read 2^a* *May* 2 (No. 70)
Committee* *May* 3 (No. 80)
Report* *May* 5 (No. 83)
Read 3^a* *May* 6
Royal Assent *June* 20 [33 & 34 *Vict.* c. 15]

County Government
Amendt. on Committee of Supply *June* 10, To leave out from "That," and add "in the opinion of this House, the principle of representation ought to be applied to the government and financial administration of Counties" (*Mr. Campbell*), 1853; after short debate, Question put, "That the words, &c.;" A. 61, N. 39; M. 22

Courts of Common Law, Fees in the
Question, Mr. Whitwell; Answer, Mr. Stansfeld *June* 10, 1841

COWPER-TEMPLE, Right Hon. W. F., *Hampshire, S.*
National Gallery, Motion for Correspondence, 1079
Palace of Westminster—Case of Mr. Edward Barry, Res. 670, 690, 729
Suburban Commons, 2R. 560, 568

CRAUFURD, Mr. E. H. J., *Ayr, &c.*
Contagious Diseases Acts Repeal, Leave, 1306, 1307
Gun Licences, 2R. 1682
Parliament—Exclusion of Strangers from the House, 1647
Scotland—Lunacy Commission, 279, 280
Stamp Duty on Leases, Comm. *cl.* 1, 1986

CRAWFORD, Mr. R. W., *London*
Customs and Inland Revenue, 2R. 1629; Comm. Amendt. 1770, 1788, 1800, 1801; *cl.* 21, 1810
East India (Council of State), Res. 832
France — Commercial Treaty, Motion for a Committee, 159
Ink, Cost of, for the Public Service, 1945
Losses at Sea, Motion for a Commission, 1101
Postage, Foreign, 1944
Stamp Duties, 2R. 1637
Sugar, Drawback on, 1409, 1410

Creditors Sequestrations Bill [H.L.]
(*The Earl of Harrowby*)
l. Presented; read 1^a* *May* 10 (No. 91)
Bill withdrawn* *May* 17

CRICHTON, Viscount, *Enniskillen*
County Coroners (Ireland), 2R. 553

CRIMINAL LAW
Broadmoor Criminal Lunatic Asylum, Question, Dr. Lush; Answer, Mr. Bruce *May* 17, 966
Case of Brittan, committed at Trowbridge, Question, Sir Henry Hoare; Answer, Mr. Bruce *May* 20, 1059
Habitual Criminals Act, Question, Mr. Stapleton; Answer, Mr. Bruce *May* 5, 272; Question, Mr. Rowland Smith; Answer, Mr. Knatchbull-Hugessen *May* 13, 628

CROFT, Sir H. G. D., *Herefordshire*
Clerical Disabilities, 2R. 1383
Women's Disabilities, 2R. 237

CROSS, Mr. R. Assheton, *Lancashire, S.W.*
Benefices, 2R. 535
Clerical Disabilities, 2R. 1383
Conventual and Monastic Institutions, Nomination of Committee, 79
Customs and Inland Revenue, Comm. 1794
Lancashire, Magistracy of, 1595
Licensing Question, The, 84
Navy Estimates—Miscellaneous Services, 1678, 1679
Parliamentary Elections, Leave, 453
Public Prosecutors, 2R. 243

CUBITT, Mr. G., *Surrey, W.*
Funded and Unfunded Debt, 325
United States—Speer, Captain, Shooting of, 4

Customs and Inland Revenue Bill
(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Ordered; read 1°* *May* 20 [Bill 133]
Read 2°, after short debate *May* 30, 1627
Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" (*Mr. Chancellor of the Exchequer*) *June* 9, 1770
Amendt. to leave out from "That" and add "provision should be made in the Bill for the Drawback of the amount of the Duty reduced:—
On such Duty-paid Sugar as remained in any bonded warehouse on the close of Tuesday, the 12th April, 1870;
[*cont.*

Customs and Inland Revenue Bill—cont.
On the Stocks of Manufactured Sugar, other than Refined Sugar, or Sugar equal in quality thereto (entitled to the Drawback of 12*s.* the cwt.), being in quantity not less than 100 cwt., and in packages unbroken, in the hands of Refiners and Dealers, on the close of Tuesday, the 12th April, 1870, in places where there are Customs Authorities;
On the Stocks of Sugar under process of manufacture on the premises of Refiners on the close of Tuesday, the 12th April, 1870, which can be identified to the satisfaction of the officers of Her Majesty's Customs" (*Mr. Crawford*)
Question proposed, "That the words, &c.;" after long debate, Amendt. withdrawn; main Question, "That Mr. Speaker, &c.;" put, and agreed to; Committee; Report [Bill 156]

Customs (Isle of Man) Bill
(*The Marquess of Lansdowne*)
l. Committee*; Report *May* 2 (No. 54)
Read 3ª* *May* 3
Royal Assent *May* 16 [33 *Vict.* c. 12]

Customs—Salaries of Clerks
Question, Colonel Taylor; Answer, Mr. Stansfeld *May* 12, 574

DALGLISH, Mr. R., *Glasgow*
Parliament—Exclusion of Strangers, 1649

DALRYMPLE, Mr. D., *Bath*
Army Estimates—Yeomanry Cavalry, 1840
British Museum, Duplicate Works in, 737
East India (Opium Revenue), Res. 515
Vaccination Act Amendment, 2R. 1560

DAMER, Hon. Captain L. S. W. DAWSON-, *Portarlington*
Metropolis—Leicester Square, 1594
Palace of Westminster—Plans of the Flues, &c. 1593

DAVENPORT, Mr. W. BROMLEY-, *Warwickshire, N.*
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Debtors (Ireland) Bill [H.L.]
(*The Marquess of Clanricarde*)
l. Presented; read 1ª* *May* 31 (No. 126)

DE GREY AND RIPON, Earl (Lord President of the Council)
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DELAHUNTY, Mr. J., *Waterford City*
County Coroners (Ireland), 2R. 558
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DENISON, Mr. C. BECKETT-, *Yorkshire, W. R., E. Div.*
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DENMAN, Lord
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DENMAN, Hon. G., *Tiverton*
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DEVON, Earl of
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DICKINSON, Mr. S. S., *Stroud*
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DICKSON, Major A. G., *Dover*
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Diplomatic Pensions—Foreign Office Agencies
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DISRAELI, Right Hon. B., *Buckinghamshire*
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Dividends and Stock (Ireland) Bill
(*Mr. Stansfeld, Mr. Chancellor of the Exchequer*)
c. Ordered; read 1º* *June* 10 [Bill 158]

DIXON, Mr. G., *Birmingham*
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DODSON, Mr. J. G. (Chairman of the Committee of Ways and Means), *Sussex, E.*
Customs and Inland Revenue, 2R. 1636; Comm. *cl.* 19, 1809
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DOWNING, Mr. M'Carthy, *Cork Co.*
County Coroners (Ireland), 2R. 556
Irish Land, Comm. *cl.* 3, 11, 40, 41, 45; Amendt. 47; *cl.* 4, 305; *cl.* 5, 379, 380; *cl.* 8, 399, 409, 410; *cl.* 11, 411, 414; *cl.* 17, 577, 579, 580; *cl.* 19, 588; *cl.* 41, 759; *cl.* 68, 772; *add. cl.* 775, 777, 782, 1033, 1257, 1259, 1261; Consid. 1417; *add. cl.* 1419, 1430, 1435, 1440; 3R. 1622

DOWSE, Mr. R. (Solicitor General for Ireland), *Londonderry Bo.*
County Coroners (Ireland), 2R. 557
Irish Land, Comm. *cl.* 3, 27, 31, 42, 284, 286; *cl.* 4, 297, 317, 359; *cl.* 5, 365; *cl.* 6, 396; *cl.* 7, 398; *cl.* 8, 399, 407, 410; *cl.* 11, 411, 413, 415; *cl.* 12, 416, 418, 419; *cl.* 14, 427, 428, 429; *cl.* 17, 577, 579; *cl.* 18, 583; *cl.* 19, 586, 594; *cl.* 20, 596; *cl.* 23, 598; *cl.* 30, 604; *cl.* 41, 760; *add. cl.* 774, 775, 778, 779, 782, 1013, 1256, 1258, 1259; Consid. *add. cl.* Amendt. 1418, 1421, 1434, 1435, 1439, 1440
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Dublin Collector-General of Rates Franchise Bill (*The Lord Abinger*)
l. Royal Assent *May* 12 [33 *Vict.* c. 11]

DUFF, Mr. M. E. Grant (Under Secretary of State for India), *Elgin, &c.*
East India (Council of State), Res. 839, 846
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Income Tax, 809, 1842, 1945

DUFF, Mr. R. W., *Banffshire*
India—East India Company, 1768
Navy — Gurdon, Commander, Case of, Res. 1459

DUFFERIN, Lord (Chancellor of the Duchy of Lancaster)
Ireland—Records, Motion for Papers, 271
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DUNSANY, Lord
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DYOTT, Colonel R., *Lichfield*
Vagrants, Police Regulation of, Res. 669

East India (*Council of State*)
Moved, "That, in the opinion of this House, it is desirable that the Council of State for India should embrace amongst its members persons practically conversant with the trade and commerce of India" (*Mr. Graves*) *May* 17, 825; after debate, Motion withdrawn

East India (*Opium Revenue*)
Moved, "That this House condemns the system by which a large portion of the Indian Revenue is raised from Opium" (*Sir Wilfrid Lawson*) *May* 10, 480
Moved, "The Previous Question" (*Mr. Grant Duff*); after long debate, Previous Question put, "That that Question be now put;" A. 46, N. 150; M. 104

EASTWICK, Mr. E. B., *Penryn, &c.*
Army—Kirwee Prize Money, Motion for an Address, 1537
East India (Council of State), Res. 833
India—British Regiments in, 1942
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Ecclesiastical Dilapidations Bill [H.L.] (*The Lord Archbishop of York*)
l. Presented; read 1ª* *May* 12 (No. 94)
Bill withdrawn* *May* 27

Ecclesiastical Dilapidations (No. 2) Bill [H.L.] (*The Lord Archbishop of York*)
l. Presented; read 1ª* *May* 27 (No. 114)

Ecclesiastical Patronage Transfer Bill [H.L.] (*The Lord Lyttelton*)
l. Committee; Report *May* 12, 569 (No. 55)
Read 3ª* *May* 13
c. Read 1°* *June* 13 [Bill 160]

Ecclesiastical Titles Act Repeal Bill [H.L.] (*The Lord Privy Seal*)
l. Presented; read 1ª* *May* 19 (No. 105)
Moved, "That the Bill be now read 2ª" *May* 27, 1469
Amendt. to leave out ("now") and insert ("this day six months") (*The Lord St. Leonards*); after debate, on Question, That ("now,") &c.; resolved in the affirmative; Bill read 2ª

Education
National Education—Staff of Teachers, Question, Mr. Liddell; Answer, Mr. W. E. Forster *May* 3, 107

Education Bill (*The Lord Campbell*)
l. Presented; read 1ª, after short debate *May* 16, 730 (No. 100)

Education of the Blind, &c. Bill [Bill 47] (*Mr. Wheelhouse, Mr. Ward Jackson, Mr. Mellor*)
c. Moved, "That the Bill be now read 2°" *May* 4, 246
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Assheton*); Question proposed, "That 'now,' &c.;" after short debate, Debate adjourned

EGERTON, Hon. Wilbraham, *Cheshire, Mid.*
Tax Collectors, Compensation to, 576

Egypt
Egyptian Loan—The Khedive, Question, Viscount Barrington; Answer, Mr. Otway *May* 2, 6

ELCHO, Lord, *Haddingtonshire*
Army Enlistment, 2R. 785
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Irish Land, Comm. *cl.* 3, 47, 50, 287, 289; *cl.* 4, 292, 298, 307, 321, 322; *cl.* 8, 407; *cl.* 19, 588, 590; *cl.* 41, 767
Palace of Westminster—Case of Mr. Edward Barry, Res. 719

Elementary Education Bill
Question, Sir George Grey; Answer, Mr. W. E. Forster *May* 27, 1495; Question, Mr. Winterbotham; Answer, Mr. W. E. Forster *May* 31, 1702; Question, Lord Robert Montagu; Answer, Mr. Gladstone *June* 13, 1946

ELPHINSTONE, Sir J. D. H., *Portsmouth*
Customs and Inland Revenue, 2R. 1636
Greece—Massacres in, 107, 814, 1740
Losses at Sea, Motion for a Commission, 1115
Navy—Cooper Key, Rear Admiral, Case of, 1898
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Navy—Chatham, &c. Dockyards, Motion for a Committee, 1724
Navy—Gurdon, Commander, Case of, Res. 1454, 1455, 1456
Navy Estimates—Admiralty Office, 1650, 1652, 1671, 1672
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  Steam Machinery, &c. 1762
Patent Office—Case of Mr. Edmunds, 970, 975
Public Prosecutions, Motion for a Committee, 472

ELY, Bishop of
*Marriage with a Deceased Wife's Sister, 2R. 913

ENFIELD, Viscount, *Middlesex*
Army—Militia, Quartermasters of, 1829
Army Estimates—Militia, &c. 1835
Corporation of London, 2R. 894

England and France, Channel Passage between
Moved, "That, in the opinion of this House, Her Majesty's Government should invite the co-operation of the French Government for the purpose of improving the Channel Passage between the two Countries" (*Sir William Gallwey*) *May* 17, 815; after short debate, Motion withdrawn

Epping Forest
Question, Mr. Holms; Answer, Mr. Gladstone *May* 13, 631

ERSKINE, Vice-Admiral J. E., *Stirlingshire*
Navy—Gurdon, Commander, Case of, Res. 1459

ESMONDE, Sir J., *Waterford Co.*
County Coroners (Ireland), 2R. 559
Irish Land, Comm. *cl.* 8, 407; *add. cl.* 1030; Consid. *add. cl.* 1437

Established Church (Wales)
Moved, "That, in the opinion of this House, it is right that the Establishment of the Church and its Union with the State should cease to exist in the dominion and principality of Wales" (*Mr. Watkin Williams*) *May* 24, 1274; after debate, the House divided; A. 45, N. 209; M. 164
  Division List, Ayes and Noes, 1304

EWING, Mr. A. Orr, *Dumbarton*
Customs and Inland Revenue, Comm. 1795; *cl.* 23, 1812
Gun Licences, 2R. 1682

EXCHEQUER, CHANCELLOR of the, *see* CHANCELLOR of the EXCHEQUER

Extradition Bill
(*Mr. Attorney General, Mr. Solicitor General*)
c. Ordered; read 1°* *May* 23 [Bill 138]

EYKYN, Mr. R., *Windsor*
Conventual and Monastic Institutions, Motion for a Committee, 82, 83; Amendt. 529
Public Prosecutors, 2R. 240, 245

Factories and Workshops Bill
(*Mr. Secretary Bruce, Mr. Knatchbull-Hugessen*)
c. Ordered; read 1°* *May* 30 [Bill 150]

False Weights and Measures
Amendt. on Committee of Supply *May* 27, To leave out from "That" and add "this House is of opinion that the present state of the law as regards the use of False Weights and Measures, and the prevention and punishing of adulteration of Food, Drink, and Drugs, is most unsatisfactory, and demands the early attention of Her Majesty's Government" (*Lord Eustace Cecil*), 1499; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

FAWCETT, Mr. H., *Brighton*
Children, Employment of, in Agriculture, 853, 1551
Parliamentary Elections, Leave, 448
University Tests, Comm. *cl.* 3, 1959; Proviso 1, Amendt. 1968, 1972; *cl.* 5, 1979; Preamble, 1981

Felony Bill
(*Mr. Charles Forster, Mr. Locke King, Mr. Osborne Morgan*)
c. Re-comm.*; Report *May* 4 [Bill 103]
Considered* *May* 6
Read 3°* *May* 9
l. Read 1ª* (*The Lord Westbury*) *May* 10
Bill read 2ª, after debate *May* 31, 1688 (No. 90)

Feudal and Burgage Tenures Abolition (Scotland) Bill
(*The Lord Advocate, Mr. Secretary Bruce*)
c. Committee*; Report *May* 19 [Bill 130]

FEVERSHAM, Earl of
Bridgwater and Beverley Disfranchisement, Comm. 1695

FIELDEN, Mr. J., *Yorkshire, W.R., E. Div.*
France—Commercial Treaty, Motion for a Committee, 154, 156

FINNIE, Mr. W., *Ayrshire, N.*
Brazil—Crew of the "Mary Hamilton," 1942

FITZMAURICE, Lord E. G., *Calne*
University Tests, 2R. 1209; Comm. *cl.* 2, Amendt. 1948, 1951; *cl.* 3, 1959

Foreign Office Agents, Compensation to
Question, Mr. Rylands; Answer, Mr. Stansfeld *May* 9, 392
Diplomatic Pensions, Question, Mr. Barnett; Answer, Mr. Otway *May* 3, 110

FORESTER, Right Hon. Major General G. C. W., *Wenlock*
Game Laws Abolition, 2R. 1402
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FORSTER, Right Hon. W. E. (Vice President of the Committee of Council on Education), *Bradford*
Cattle Plague, Alleged Outbreak of, 1498
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FORTESCUE, Hon. Dudley, F., *Andover*
Irish Land, Comm. *cl.* 3, Amendt. 284, 287; Consid. *add. cl.* 1418

FORTESCUE, Right Hon. Chichester S. (Chief Secretary for Ireland), *Louth Co.*
County Coroners (Ireland), 2R. 553
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Irish Land, Comm. *cl.* 3, 10, 19, 28, 30, 35, 36; Amendt. 40, 45, 46; Amendt. 284, 285; *cl.* 4, 290, 295, 296, 304, 305, 315, 316, 318, 319, 320, 321, 322, 358, 359; *cl.* 5, 375; Amendt. 384; *cl.* 6, 396, 397; *cl.* 8, 399, 402; *cl.* 10, Amendt. 411, 412, 413, 414; *cl.* 12, 417, 419, 422, 429; *cl.* 16, Amendt. 430; *cl.* 17, 579; *cl.* 18, 581, 585; *cl.* 19, 588, 591; *cl.* 20, Amendt. 594; Amendt. 595; *cl.* 24, 599, 600, 602; *cl.* 28, Amendt. 603; *cl.* 30, Amendt. 604; *cl.* 37, 607; *cl.* 40, 746; *cl.* 41, Amendt. 746, 752, 765; *cl.* 66, 771, 772; *cl.* 68, 772; *add. cl.* 774, 775, 778, 781, 991, 1032, 1256, 1257, 1258, 1260, 1261; Consid. *add. cl.* 1417, 1419, 1420, 1423, 1424, 1428; Amendt. 1435, 1436, 1438, 1439; *cl.* 19, Amendt. 1440, 1441; 3R. 1624
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FOWLER, Mr. R. N., *Penryn, &c.*
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Irish Land, Comm. *cl.* 4, Motion for Adjournment, 322
Parliament—Exclusion of Strangers from the House, 1648
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FOWLER, Mr. W., *Cambridge Bo.*
Contagious Diseases Acts Repeal, Leave, 1306, 1307, 1347
Customs and Inland Revenue, Comm. *cl.* 11, 1808
East India (Opium Revenue), Res. 501
Irish Land, Comm. *cl.* 3, 290
Parliamentary Elections, Leave, 453
University Tests, Comm. *cl.* 3, 1967
Women's Disabilities, 2R. 212

France
Commercial Treaty, Moved, "That a Select Committee be appointed to inquire into the operation of the Commercial Treaty with France in all branches of trade which it affects" (*Mr. Birley*) *May* 3, 110
Amendt. to leave out from "inquire" and add "as to the effect upon our Commerce and Manufactures of our present Treaty arrangements with Foreign Countries" (*Mr. Staveley Hill*), 116; Question proposed, "That the words, &c.;" after long debate, Amendt. withdrawn; main Question put; A. 50, N. 138; M. 88
England and France, Channel Passage between, Moved, "That, in the opinion of this House, Her Majesty's Government should invite the co-operation of the French Government for the purpose of improving the Channel Passage between the two Countries" (*Sir William Gallwey*) *May* 17, 815; after short debate, Motion withdrawn

FRENCH, Right Hon. Colonel F., *Roscommon Co.*
County Coroners (Ireland), 2R. 552
Irish Land, Comm. *cl.* 3, 11; *cl.* 4, 300; *cl.* 41, 752; Consid. 1414; *add. cl.* 1420, 1431
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Friendly Societies Bill
(*Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Bill withdrawn * *May* 20 [Bill 14]

Friendly Societies, Registration of
Question, Mr. Corrance; Answer, The Chancellor of the Exchequer *May* 26, 1410

Funded and Unfunded Debt
Question, Mr. Cubitt; Answer, Mr. Stansfeld *May* 6, 325

Gallwey, Sir W. P., *Thirsk*
Channel Passage between England and France, Res. 815, 824
County Government, Res. 1868

Galway, Viscount, *Retford* (*East*)
Gun Licences, 2R. 1681

Game Laws
Amendt. on Committee of Supply *June* 10, "That, in the opinion of this House, it is expedient that an inquiry into the operation and effect of the Laws relating to Game, especially as regards Scotland, be undertaken by a Committee of this House" (*Mr. Loch*), 1898; after debate, Motion withdrawn

Game Laws Abolition Bill
(*Mr. Taylor, Mr. Jacob Bright, Mr. White*)
c. Moved, "That the Bill be now read 2°" *May* 25, 1384 [Bill 73]
Previous Question proposed, "That that Question be now put" (*Mr. Hardcastle*); after debate, Debate adjourned

Game Laws Amendment (No. 2) Bill
(*Mr. Hardcastle, Sir Wilfrid Lawson*)
c. Ordered; read 1° * *May* 2 [Bill 115]

Garlies, Lord, *Wigtonshire*
Army Enlistment, 2R. 787
Army Estimates—Yeomanry Cavalry, 1839
Women's Disabilities, Comm. 616

Gas and Water Facilities Bill
(*Mr. Shaw Lefevre, Mr. Stansfeld*)
c. Committee *; Report *May* 16 [Bill 77]
Considered * *May* 19
Read 3° * *May* 23
l. Read 1ª * (*The Lord Privy Seal*) *May* 24
Read 2ª * *June* 13 (No. 111)

General Police and Improvement (Scotland) Supplemental Bill
(*The Lord Advocate, Mr. Adam*)
c. Ordered; read 1° * *May* 26 [Bill 147]
Read 2° * *May* 30

Gilpin, Mr. C., *Northampton Bo.*
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Gladstone, Right Hon. W. E. (First Lord of the Treasury), *Greenwich*
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Goldney, Mr. G., *Chippenham*
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Irish Land, Comm. *cl.* 41, 751, 752
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Gordon, Right Hon. E. S., *Glasgow, &c. Universities*
Irish Land, Comm. *cl.* 5, 382; *cl.* 14, 422, 424

Gore, Mr. W. R. Ormsby- *Leitrim Co.*
Irish Land, Comm. *cl.* 3, 28; *add. cl.* 1259, 1260; Consid. *cl.* 19, 1441

Goschen, Right Hon. G. J. (Chief Commissioner of the Poor Law Board), *London*
Vagrants, Police Regulation of, Res. 656
University Tests, Comm. Preamble, 1981

Gourley, Mr. E. T., *Sunderland*
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Granville, Earl (Secretary of State for the Colonies)
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Graves, Mr. S. R., *Liverpool*
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Greece
Constitution of, Question, Mr. Monk; Answer, Mr. Otway *June* 9, 1768
Murder of British Subjects by Brigands, Question, Sir James Elphinstone; Answer, Mr. Otway *May* 3, 107; Question, Mr. Auberon Herbert; Answer, Mr. Otway *May* 10, 464; Question, Sir James Elphinstone; Answer, Mr. Otway *May* 17, 814; Observations, Sir Roundell Palmer; long debate thereon *May* 20, 1123
Amendt. on Committee of Supply *May* 20, To leave out from "That" and add "this House, upon an examination of the Papers that have been laid before it concerning the recent massacres in Greece, feels itself called upon to express an opinion that the conduct of the Greek Ministers has been highly unsatisfactory, and that this House invites Her Majesty's Government to act as it thinks best on this opinion, and also to concert with its Allies as to the best means of establishing in Greece a Government capable of satisfying the ordinary requirements of a civilised state" (*Sir Henry Lytton Bulwer*), 1144; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn
Observations, The Earl of Carnarvon; Reply, The Earl of Clarendon; short debate thereon *May* 23, 1162
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Greene, Mr. E., *Bury St. Edmunds*
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Gregory, Mr. W. H., *Galway Co.*
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  High Court of Justice, Report, 1923
  *Singapore—Judicial Independence, 1041
  War Office, 2R. 98; Comm. *cl.* 2, Amendt. 456, 459

Grey, Right Hon. Sir G., *Morpeth*
  Elementary Education, 1496
  Municipal Boroughs (Metropolis), 2R. 877

Grieve, Mr. J. J., *Greenock*
  Customs and Inland Revenue, 2R. 1632; Comm. 1783
  Public Prosecutions, Motion for a Committee, 471, 479
  Spain—Treaty of Commerce, 1940

Guest, Mr. M. J., *Youghal*
  Cab Regulations, 743
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Gun Licences Bill
(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Ordered; read 1°* *May* 20 [Bill 134]
  Read 2°, after short debate *May* 30, 1680

Gurney, Right Hon. Russell, *Southampton*
  Contagious Diseases Acts Repeal, Leave, 1341
  Married Women's Property, 2R. 878
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  Public Schools, Motion for an Address, Amendt. 1683
  Stamp Duty on Leases, Comm. *cl.* 1, 1985

Hadfield, Mr. G., *Sheffield*
  Stamp Duty on Leases, Comm. 1984; *cl.* 1, 1986
  University Tests, Comm. *cl.* 3, 1956, 1958; Preamble, 1981

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  Civil Service Competitive Examinations, 1943
  Rating (Ireland), Motion for a Committee, 2009

Harcourt, Mr. W. Vernon, *Oxford City*
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Hardcastle, Mr. J. A., *Bury St. Edmunds*
  Game Laws Abolition, 2R. Amendt. 1394

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Hardy, Right Hon. Gathorne, *Oxford University*
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  Irish Land, Comm. *cl.* 3, 283; *cl.* 8, 403; *cl.* 41, 764; 3R. 1599
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  Public Schools, Motion for an Address, 1686
  University Tests, 2R. 1234, 1237; Comm. *cl.* 3, 1966; *cl.* 5, 1979; Preamble, 1980

Hardy, Mr. J. Stewart, *Rye*
  Irish Land, Comm. *cl.* 3, Amendt. 31

Harrowby, Earl of
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Hartington, Right Hon. Marquess of (Postmaster General), *New Radnor*
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Hatherley, Lord (see Chancellor, The Lord)

Hay, Rear-Admiral Sir J. C. D., *Stamford*
  Africa—West Coast of, 1843
  Army—Kirwee Prize Money, Motion for an Address, 1533, 1535, 1536, 1544, 1551
  Cab Regulations, 743
  Greece—Massacres in, 1741
  Losses at Sea, Motion for a Commission, 1112
  Navy—Cooper Key, Rear Admiral, Case of, 1884, 1893, 1894, 1895
    "Flying Squadron," The, 1408
    New Zealand Medal, 392
    Whitworth Gun, The, 812
  Navy—Gurdon, Commander, Case of, Res. 1442, 1451

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Navy Estimates—Admiralty Office, 1649, 1657, 1669, 1670, 1671
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Headlam, Right Hon. T. E., *Newcastle-upon-Tyne*
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Henley, Right Hon. J. W., *Oxfordshire*
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Public Schools, Motion for an Address, 192
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Herbert, Right Hon. Major-General Sir Percy E., *Shropshire, S.*
Army—Staff Appointments, Res. 1826
Army Enlistment, 2R. 786
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Herbert, Hon. Auberon E. W. M., *Nottingham*
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Herbert, Mr. H. A., *Kerry Co.*
Irish Land, Comm. *cl.* 4, 306; *cl.* 19, 588; 3R. 1625

Hermon, Mr. E., *Preston*
Customs and Inland Revenue, 2R. 1629; Comm. *cl.* 23, 1810
Married Women's Property, 2R. 891
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Heygate, Sir F. W., *Londonderry Co.*
Irish Land, Comm. *cl.* 3, 30, 287, 288, 289; *cl.* 40, Amendt. 745; *cl.* 41, 758; Consid. Amendt. 1412; *add. cl.* 1433; 3R. 1605

Hibbert, Mr. J. T., *Oldham*
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High Court of Justice Bill [H.L.]
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Copy of the communication from the Lord Chief Justice of England, &c. respecting: Laid before the House (pursuant to order of this day), and to be *printed* (No. 104) *May* 17, 809

High Court of Justice Bill [H.L.]
(*The Lord Chancellor*)
l. Committee (*on re-comm.*) after debate *May* 30, 1561 (No. 120)
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Hill, Mr. A. Staveley, *Coventry*
France—Commercial Treaty, Motion for a Committee, Amendt. 116
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Hoare, Sir H. A., *Chelsea*
Army Estimates—Yeomanry Cavalry, 1835, 1840
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Holms, Mr. J., *Hackney*
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Hope, Mr. A. J. Beresford, *Cambridge University*
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National Gallery, &c.—Evening Admission, Res. 346
National Gallery, Motion for Correspondence, 1063, 1085, 1086, 1088
Palace of Westminster—Case of Mr. Edward Barry, Res. 698, 702, 703
Parliamentary Elections, Leave, 448
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Horse Races, Betting on
Question, Mr. T. Hughes; Answer, Mr. Bruce *May* 5, 274

Horse Racing Bill
(*Mr. Hughes, Lord Elcho, Mr. Osborne Morgan Sir Henry Hoare*)
c. Motion for Leave (*Mr. Hughes*) *May* 24, 1350; after short debate; A. 132, N. 44; M. 88; Bill ordered
Read 1°* *May* 30 [Bill 155]

Horsman, Right Hon. E., *Liskeard*
Patent Office—Case of Mr. Edmunds, 973

Hoskyns, Mr. C. Wren-, *Hereford City*
Customs and Inland Revenue, 2R. 1631
Irish Land, Comm. *cl.* 24, Amendt. 600, 601; *cl.* 41, 768; *cl.* 66, Amendt. 771; Consid. *cl.* 19, Amendt. 1440

HOUGHTON, Lord
Marriage with a Deceased Wife's Sister, 2R. 895, 963

HOWARD, Mr. J., *Bedford*
Irish Land, Comm. *cl.* 41, 754, 769

Hudson's Bay Company
Question, Viscount Milton; Answer, The Attorney General *May* 6, 327
Rupert's Land, Question, Viscount Milton; Answer, Mr. Stansfeld *May* 19, 968; Personal Explanation, Viscount Milton; short debate thereon *May* 20, 1059

HUGHES, Mr. T., *Frome*
False Weights and Measures, Res. 1508
Horse Racing, 274; Leave, 1350, 1364
Public Schools, Motion for an Address, 193, 1686
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HUNT, Right Hon. G. W., *Northamptonshire, N.*
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Gun Licences, 2R. 1680
Navy Estimates—Miscellaneous Services, 1678, 1679
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INDIA
Army—Royal Artillery—Indian Service—See that title
British Regiments in, Question, Mr. Eastwick; Answer, Mr. Grant Duff *June* 13, 1942
Colonels of the Indian Army, Question, Major Anson; Answer, Mr. Cardwell *May* 3, 106
Currency of Ceylon, Question, Mr. Mundella; Answer, Mr. Stansfeld *May* 20, 1057
East India Company—Letter of 17th May, 1766, Question, Mr. Haviland-Burke; Answer, Mr. Grant Duff *June* 9, 1768
Income Tax, Question, Mr. Denison; Answer, Mr. Grant Duff *May* 17, 809; Question, Mr. Dickinson; Answer, Mr. Grant Duff *June* 10, 1842; Question, Sir David Wedderburn; Answer, Mr. Grant Duff *June* 13, 1945
Singapore — Judicial Independence, Petition presented (*Earl Grey*) *May* 20, 1041; after short debate, Petition to lie on the Table
See titles—*East India* (*Council of State*)
East India (*Opium Revenue*)

Ink, Cost of, for the Public Service
Question, Mr. Crawford; Answer, Mr. Stansfeld *June* 13, 1945

Inland Revenue Acts Repeal Bill
(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Ordered; read 1^o * *May* 26 [Bill 146]

Inland Revenue—Salaries and Compensation of Collectors
Question, Colonel Gray; Answer, The Chancellor of the Exchequer *May* 5, 276; Question, Lord Elcho; Answer, The Chancellor of the Exchequer *May* 12, 575; Question, Mr. Wilbraham Egerton; Answer, The Chancellor of the Exchequer *May* 12, 576

Inverness County, &c. (Boundary) Bill
(*The Duke of Richmond*)
l. Committee * *May* 6 (No. 48)
Considered * *May* 9
Read 3^a * *May* 10
Royal Assent *June* 20 [33 & 34 *Vict.* c. 16]

IRELAND
Coastguard—Lough Foyle and Lough Swilly, Question, The Marquess of Hamilton; Answer, Mr. Childers *May* 2, 5
Ecclesiastical Titles Act—Marriage Law of Ireland, Questions, The Marquess of Clanricarde; Answers, Earl Granville *May* 2, 3
Irish Records, Moved, That there be laid before this House Copies of Correspondence between the Master of the Rolls and the Treasury on this subject (*The Lord Talbot de Malahide*) *May* 5, 270; after short debate, Motion withdrawn
Irvine, Mr. D'Arcy, Question, Mr. Saunderson; Answer, Mr. Chichester Fortescue *May* 17, 813
Landed Estates Court—Compulsory Sales of Land, Question, Lord Dunsany; Answer, Lord Dufferin *May* 5, 265
National Parliament—Petition, Observations, Lord Talbot de Malahide *May* 2, 1
Primary Education, Question, Mr. Vernon Harcourt; Answer, Mr. Gladstone *May* 16, 739
Public Record Office, Question, Mr. W. H. Gregory; Answer, Mr. Stansfeld *May* 13, 628

Ireland—Rating
Moved, "That a Select Committee be appointed to inquire into the operation of the present area of rating within Poor Law Unions in Ireland, with a view to ascertain whether such area of rating might with advantage be extended" (*Mr. Chichester Fortescue*) *June* 13, 2009; after short debate, Debate adjourned

Irish Church Act (1869) Amendment Bill
(*The Lord Redesdale*)
l. Moved, "That the Bill be now read 2^a" *May* 24, 1268; after short debate, Motion and Bill withdrawn (No. 23)

Irish College, and English College, Douay, Paris
Address for, Copies of the award made in the case of the Reverend Paul Long as administrator-general of the Irish College at Paris by the commissioners appointed for liquidation of British claims out of funds received from the French Government, and of the judgment of the English Privy Council in 1832 on the appeal from that award:
Also, Copy of the judgment in 1825 in the appeal case of the English College at Douay (*The Marquess of Clanricarde*) *May* 9, 385; after short debate, Motion agreed to
Motion for, Return of unsettled demands on the funds provided by the Government of France for liquidating the claims of British subjects, and of the balance which remains unappropriated to the liquidation of such claims, including interest thereon; together with copies of Treasury Minutes relating to

[cont.

Irish College, and English College, Douay, Paris—cont.
the surplus fund arising out of the Treaties and Conventions of 1814, 1815, and 1818, between his late Britannic Majesty and the King of France (*The Marquess of Clanricarde*) *May* 12, 572

Irish Land Bill [Bill 29] (*Mr. Gladstone, Mr. Chichester Fortescue, Mr. John Bright*)
c. Committee *May* 2, 8
Clause 3 (Compensation in absence of custom)—R.P.

Committee *May* 5, 281
Clause 3; after short debate, Clause, as amended, agreed to
Clause 4 (Compensation in respect of improvements), 290—R.P.

Committee *May* 6, 357
Clause 4 agreed to
Clause 5 (Presumption in respect of improvements), 359; Committee—R.P.

Committee *May* 9, 395
Clause 6 (Compensation in respect of payment to incoming tenant), 395
Clause 7 (Compensation in respect of crops), 398
Clause 8 (Limitation as to disturbance in holding), 398
Clause 9 (Derivative title of tenant), 411
Clause 10 (Partial exemption of certain tenancies), 411
Clause 11 (Exemption of certain lands), 411
Clause 12 (Proceedings by tenant), 415
Clause 13 (Proceedings by landlord), 419
Clause 14 (Equities between landlord and tenant), 419
Clause 15 (Provision in case of derivative estates in the same holding), 429
Clause 16 (Lease in lieu of compensation), 429; Committee—R.P.

Committee *May* 12, 577
Clause 17 (Restriction on eviction of tenant), 577
Clause 18 (Court to mean Civil Bill Court or Court of Arbitration), 581
Clause 19 (Civil Bill Court), 586
Clause 20 (Appeal from Civil Bill Court), 594
Clause 21 agreed to, 597
Clause 22 ("Limited Owner"), 597
Clause 23 (Agreement by limited owner), 597
Clause 24 (Power of limited owner to lease), 598
Clauses 25 and 26 agreed to, 598
Clause 27 (Rules for carrying first part of Act into force), 603
Clause 28 (Application to Board of Works for sale of holding), 603
Clause 29 (Restrictions on sale of holding), 603
Clause 30 (Sale of holding by Board), 604
Clause 31 (Payment of purchase money), 605
Clauses 32 to 36, inclusive, agreed to, 605
Clause 37 (General powers of Court and Board in conduct of sale of land), 605
Clause 38 (Rules for carrying second part of Act into effect), 607; Committee—R.P.
[*cont.*

Irish Land Bill—cont.
Committee *May* 16, 744
[*Part* III. *Advances by and Powers of Board*]
Clause 39 (Advances to landlords for compensation for improvements), 744
Clause 40 (Advances to landlords for improvement of waste lands), 745
Clause 41 (Advances to tenants for purchase of holdings), 746
Clauses 42 to 65, inclusive, agreed to
Clause 66 (Special Definitions), 771
Clause 67 agreed to
Clause 68 (Application of Act), 772
New Clause (Legality of tenant custom other than Ulster custom), 774
New Clause (Satisfaction from incoming tenants), 774
New Clause (Tenant assigning without consent of landlord not to be entitled to compensation), 775
New Clause (Right to leases renewable for ever), 781
New Clause (Right of a tenant to dispose of interest in his holding), 782; Committee—R.P.

Committee *May* 19, 976
New Clause (Permissive Parliamentary tenant-right), 976
New Clause (Lettings in con-acre), 1032; Committee—R.P.

Committee *May* 23, 1255
New Clause (Court to give judgment as to liability of landlord), 1255
New Clause (Application of Act to tenancies created prior to passing of this Act), 1257
New Clause (Leases pending sale, &c.), 1257
New Clause (Notices to quit served by officers of Civil Bill Court), 1258
New Clause (Repeal of section of "Landlord and Tenant Law Amendment (Ireland) Act, 1860"), 1259
New Clause (Stamps on notices to quit), 1259
New Clause (Regulations prescribed for notices to quit), 1260
New Clause (Non-liability for rent for land covered by public roads), 1260
New Clause (Abolition of distress for recovery of rent), 1260
Preamble, as amended, agreed to
Bill reported [Bill 137]

Moved, "That the Bill be now taken into Consideration" (*Mr. W. E. Gladstone*) *May* 26, 1412
Amendt. to leave out from "Bill be" and add "re-committed for the purpose of considering a Clause fixing the increased amount of the additional salaries to be paid to the judges and officers of the Civil Bill Courts in Ireland for the additional duties by this Act imposed upon them" (*Sir Frederick W. Heygate*); Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn; main Question put, and agreed to; Bill, as amended, considered [Bill 145]

Bill read 3°, after debate, and passed *May* 30, 1599
l. Read 1ª* (*The Earl Granville*) *May* 30
(No. 122)

Irish Land Bill [H.L.]
(*The Lord Silchester*)
l. Presented; read 1ª* *May* 27 (No. 113)

James, Mr. H., *Taunton*
Parliamentary Elections, Leave, 452

Jenkinson, Sir G. S., *Wiltshire, N.*
Carriages, Duty on, 970
Gun Licences, 2R. 1681
Irish Land, Comm. *cl.* 41, Amendt. 760, 771
Women's Disabilities, 2R. 234

Jessel, Mr. G., *Dover*
Irish Land, Comm. *cl.* 3, 37; Consid. *add. cl.* 1439
Stamp Duty on Leases, Comm. *cl.* 1, 1985
University Tests, Comm. *cl.* 5, 1979

Jewish United Synagogues Bill
(*Mr. William Edward Forster, Mr. Secretary Bruce*)
c. Ordered; read 1°* *May* 30 [Bill 151]
Read 2°* *June* 9
Committee*; Report *June* 10
Read 3°* *June* 13

Johnston, Mr. A., *Essex, S.*
Charitable Trusts Act, 1767

Johnston, Mr. W., *Belfast*
Education of the Blind, &c. 2R. 249
Irish Land, Comm. *cl.* 6, 397

Joint Stock Companies' Arrangement Bill
(*Mr. Henry B. Sheridan, Mr. Serjeant Simon, Mr. Brogden*)
c. Ordered; read 1°* *May* 25 [Bill 143]

Juries Bill
(*Viscount Enfield, Mr. Denman, Mr. Headlam*)
c. Committee nominated [*April* 6]; List of the Committee *May* 6, 385

Justices of the Peace Qualification Bill
[H.L.] (*The Earl of Albemarle*)
l. Presented; read 1ª* *May* 2 (No. 77)
Bill withdrawn* *May* 10

Kavanagh, Mr. A. M., *Carlow Co.*
Irish Land, Comm. *cl.* 3, Amendt. 30; *cl.* 4, Amendt. 293; Amendt. 318; *add. cl.* 775, 779

Keble College—Charter to the
Question, Mr. Vernon Harcourt; Answer, The Solicitor General *June* 13, 1941

Kensington Road Improvement Bill
(*Mr. Ayrton, Mr. Stansfeld*)
c. Ordered; read 1°* *May* 16 [Bill 128]
Read 2°,* and referred to a Select Committee *May* 20
Select Committee discharged* *May* 24

Kimberley, Earl of (Lord Privy Seal)
Ecclesiastical Titles Act Repeal, 2R. 1469, 1491
Marriage with a Deceased Wife's Sister, 2R. 918
Poor Relief (Metropolis), 2R. 1049, 1053
Tramways, 2R. 1590, 1592

Kingscote, Colonel R. N. F., *Gloucestershire, W.*
Army—Coldstream and Fusilier Guards, 5

Kinnaird, Hon. A. F., *Perth*
Conventual and Monastic Institutions, Nomination of Committee, 79
County Government, Res. 1868
East India (Opium Revenue), Res. 514
False Weights and Measures, Res. 1522
Game Laws, Res. 1909
National Gallery, &c.—Evening Admission, Res. 333, 341

Kirk, Mr. W., *Newry*
Irish Land, Consid. *add. cl.* 1420, 1437

Knatchbull-Hugessen, Mr. E. H. (Under Secretary of State for the Home Department), *Sandwich*
Commons Inclosure, 2R. 1911
Habitual Criminals Act, 628
Submarine Cables and the Admiralty, 629
Suburban Commons, 2R. 562

Knox, Hon. Colonel W. Stuart, *Dungannon*
Army—Staff Appointments, Res. 1824
County Coroners (Ireland), 2R. 558
Irish Land, Comm. *add. cl.* 778

Lancashire Magistrates—Appointment of
Question, The Earl of Devon; Answer, Lord Dufferin *May* 24, 1270; Question, Mr. Assheton Cross; Answer, Mr. Gladstone *May* 30, 1595

Lansdowne, Marquess of (Lord of the Treasury)
Irish College, &c. Paris, Address for Papers, 388, 389, 572
Marriage with a Deceased Wife's Sister, 2R. 911

Lawrence, Alderman Sir J. C., *Lambeth*
Navy—Emigration by Troop Ships, 463
Vagrants, Police Regulation of, Res. 670

Lawrence, Mr. Alderman W., *London*
Customs and Inland Revenue, 2R. Amendt. 1630; Comm. *cl.* 23, 1812; *add. cl.* 1816; Schedule, 1818
Municipal Boroughs (Metropolis), 2R. 875
National Gallery, &c.—Evening Admission, Res. 350
Palace of Westminster—Case of Mr. Edward Barry, Res. 705, 717
Richmond Park, Roehampton Gate at, 629, 630

LAWSON, Sir W., *Carlisle*
East India (Opium Revenue), Res. 480, 523
Licensing Question, The, 84

LEATHAM, Mr. E. A., *Huddersfield*
Parliamentary Elections, Leave, 446

LEFEVRE, Mr. J. G. Shaw (Secretary to the Board of Trade), *Reading*
Board of Trade, 2R. 2008
Channel Passage between England and France, Res. 821
France—Commercial Treaty, Motion for a Committee, 130
Hudson's Bay Company, Explanation, 1063
Light Dues, Reduction of, 460, 461, 744
Merchant Shipping Code, 2R. 1998, 2002

LEWIS, Mr. John D., *Devonport*
Clerical Disabilities, 2R. 1369
University Tests, Comm. *cl.* 2, Amendt. 1947

Licensing Question
Observations, Mr. Bruce; short debate thereon *May* 2, 84

LIDDELL, Hon. H. G., *Northumberland, S.*
Contagious Diseases Acts Repeal, Leave, 1340
Customs and Inland Revenue, 2R. 1630
Education, National, 107
France—Commercial Treaty, Motion for a Committee, 128
Merchant Shipping Code, 2R. 1995
Navy Estimates, 1714;—Naval Stores, 1748

Life at Sea Bill
(*Mr. Plimsoll, Mr. Wheelhouse*)
c. Ordered; read 1° * *May* 13 [Bill 127]

LIFFORD, Viscount
Contagious Diseases, 1264
Marriage with a Deceased Wife's Sister, 2R. 942

Light Dues—Reduction of
Question, Mr. Graves; Answer, Mr. Shaw Lefevre *May* 10, 460; Question, Mr. Stevenson; Answer, Mr. Shaw Lefevre *May* 16, 744

LINCOLN, Bishop of
Marriage with a Deceased Wife's Sister, 2R. 927

LINDSAY, Colonel R. J. Loyd, *Berkshire*
Army—Military Train and the Control Department, 967

LLANDAFF, Bishop of
Ecclesiastical Patronage Transfer, Comm. 570

Local Government Supplemental Bill
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
c. Ordered * *May* 25
Read 1° * *May* 30 [Bill 153]

LOCH, Mr. G., *Wick, &c.*
Game Laws, Res. 1898, 1902
Irish Land, Comm. *cl.* 14, Amendt. 428

LOCKE, Mr. J., *Southwark*
False Weights and Measures, Res. 1521
Municipal Boroughs (Metropolis), 2R. 868
University Tests, Comm. Proviso 1, 1972

LONGFORD, Earl of
Irish Church Act Amendment, 2R. 1269
War Office, 2R. 93, 105; Comm. 455

LOPES, Sir M., *Devonshire, S.*
Clerical Dignitaries, Resignation of, 1494

Lotteries—Illegal
Observations, Mr. Charley; Reply, Mr. Bruce *May* 6, 350

LOWE, Right Hon. R. (see CHANCELLOR of the EXCHEQUER)

Lowry—Appointment of Mr.
Question, Mr. West; Answers, The Solicitor General, Mr. Charley *June* 9, 1768

LOWTHER, Mr. J., *York City*
Bridgwater Election Commissioners, 1769
Suburban Commons, 2R. Amendt. 559, 568

LUBBOCK, Sir J., *Maidstone*
Public Schools, Motion for an Address, 1684
Savings Banks, 1701
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LUSH, Dr. J. A., *Salisbury*
Broadmoor Asylum, 966

LUSK, Mr. Alderman A., *Finsbury*
Army Estimates—Martial Law, 1831
Medical Establishments, 1832
Corporation of London, 2R. 894
Customs and Inland Revenue, 2R. 1636; Comm. 1780; *cl.* 21, 1810, 1812; Schedule, 1818
Navy Estimates—Admiralty Office, 1657
Naval Stores, 1742
Stamp Duties, 2R. 1638

LYTTELTON, Lord
Ecclesiastical Patronage Transfer, Comm. 569

LYVEDEN, Lord
Bridgwater and Beverley Disfranchisement, Comm. *cl.* 1, 1697
Canada—Fenians, Invasion by, 1463, 1467
Red River Insurrection, 251
Marriage with a Deceased Wife's Sister, 2R. 925
War Office, Report, 571

MCARTHUR, Mr. W., *Lambeth*
East India (Opium Revenue), Res. 497

MCCOMBIE, Mr. W., *Aberdeenshire, W.*
Game Laws Abolition, 2R. 1400

MACFIE, Mr. R. A., *Leith, &c.*
Canada—Red River, Disturbances at, 1094
Copyright, International, 1595
Customs and Inland Revenue, Comm. 1794; Schedule, 1818
Game Laws, Res. 1902
Gun Licences, 2R. 1682

McLAGAN, Mr. P., *Linlithgowshire*
Customs and Inland Revenue, Comm. *cl.* 21, 1809
Game Laws Abolition, 2R. 1403
Gun Licences, 2R. 1683
Irish Land, Comm. *cl.* 4, 297; *cl.* 66, 772

McLAREN, Mr. D., *Edinburgh*
Contagious Diseases Acts Repeal, 1342
County Government, Res. 1865
Customs and Inland Revenue, 2R. 1632
Education of the Blind, &c. 2R. 248
Public Prosecutions, Motion for a Committee, 473
University Tests, Comm. *cl.* 3, 1959, 1960

McMAHON, Mr. P., *New Ross*
Customs and Inland Revenue, 2R. 1631
Irish Land, Comm. *cl.* 19, 586, 591, 593; *cl.* 20, Amendt. 595; *cl.* 66, 771; *add. cl.* 782, 1012, 1257, 1259; Consid. *add. cl.* 1433, 1434; Amendt. 1437, 1438
Rating (Ireland), Motion for a Committee, 2009

Magistrates in Populous Places (Scotland) Bill (*Mr. Carnegie, Sir Edward Colebrooke, Mr. Orr Ewing*)
c. Ordered; read 1° * *May* 9 [Bill 121]
Read 2° * *May* 18
Committee *; Report *June* 13

MAGNIAC, Mr. C., *St. Ives*
Customs and Inland Revenue, 2R. 1636; Comm. 1782
New Zealand, Relations with, 810
Stamp Duties, 2R. 1637

MAGUIRE, Mr. J. F., *Cork City*
Irish Land, Comm. *cl.* 3, 43, 289; *cl.* 5, 364; *cl.* 11, 412, 414; *cl.* 41, 756, 759; 3R. 1603

MALMESBURY, Earl of
Canada—Fenians, Invasion by, 1467
Greece, Murder of British Subjects, 1186

Manchester — Threatened attack on Mr. Johnson
Question, Mr. Gilpin; Answer, Mr. Bruce *May* 10, 461

MANNERS, Right Hon. Lord J. J. R., *Leicestershire, N.*
France—Commercial Treaty, Motion for a Committee, 142, 166
Irish Land, Comm. *cl.* 3, 286; *cl.* 8, 405; *cl.* 16, 430; Consid. *add. cl.* 1432
Metropolis—Kensington Gardens, &c. 628
Municipal Boroughs (Metropolis), 2R. 867
[*cont.*

MANNERS, Right Hon. Lord J. J. R.—*cont.*
National Gallery, Motion for Correspondence, 1077, 1078
Palace of Westminster—Case of Mr. Edward Barry, Res. 706, 709
University Tests, Comm. *cl.* 2, 1954

MANNERS, Lord G. J., *Cambridgeshire*
Horse Racing, Leave, 1357

MARLBOROUGH, Duke of
Marriage with a Deceased Wife's Sister, 2R. Amendt. 903

Marriage with a Deceased Wife's Sister Bill (*The Lord Houghton*)
l. Read 1^{a} * *May* 2 (No. 76)
Moved, "That the Bill be now read 2^{a}" *May* 19, 895
Amendt. to leave out ("now") and insert ("this day six months") (*The Duke of Marlborough*); after long debate, on Question, That ("now,") &c.? Cont. 73, Not-Cont. 77; M. 4
Division List, Cont. and Not-Cont. 963
Resolved in the negative; and Bill to be read 2^{a} on this day six months

Married Women's Property Bill (*Mr. Russell Gurney, Mr. Headlam, Mr. Jacob Bright*)
c. Bill read 2°, after debate *May* 18, 878 [Bill 16]
Committee *; Report *May* 24
Considered * *May* 26
Read 3° * *May* 30
l. Read 1^{a} * (*The Lord Cairns*) *May* 31 (No. 125)

Married Women's Property (No. 2) Bill (*Mr. Raikes, Mr. Staveley Hill, Mr. West*)
c. Moved, "That the Bill be now read 2°" *May* 18, 893 [Bill 22]
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Jacob Bright*); Question put, "That 'now,' &c.;" A. 46, N. 208; M. 162; words added; main Question, as amended, put, and agreed to; Bill put off for six months

MATTHEWS, Mr. H., *Dungarvan*
Conventual and Monastic Institutions, Motion for a Committee, 80, 83; Amendt. 530, 534
County Coroners (Ireland), 2R. 557
Irish Land, Comm. *cl.* 14, 424, 426; *cl.* 17, 578

MAXWELL, Mr. W. H., *Kirkcudbrightshire*
Public Prosecutions, Motion for a Committee, 472

Medical Act (1858) Amendment Bill (*The Lord President*)
l. Bill read 2^{a}, after debate *May* 5, 253 (No. 69)
Committee *; Report *May* 10 (No. 93)

MELLOR, Mr. T. W., *Ashton-under-Lyne*
Customs and Inland Revenue, Comm. *cl.* 23, 1812

Merchant Shipping Code Bill
(*Mr. Bright, Mr. Shaw Lefevre, Mr. Stansfeld*)
c. Bill read 2°, after short debate *June* 13, 1987 [Bill 24]
Moved, "That the Bill be committed to a Committee of the Whole House on Monday next;" after short debate, Amendt. to leave out from "be committed" and add "to a Select Committee, so far as regards Parts 3 and 6, with power to take evidence with respect to the best mode of preventing overlading of ships and collisions at sea" (*Sir John Pakington*); Question proposed, "That the words, &c.;" after further short debate, Amendt. withdrawn; main Question put, and agreed to; Bill committed for Monday June 20

Merchant Shipping, &c. Acts Repeal Bill
(*Mr. Shaw Lefevre, Mr. Stansfeld*)
c. Read 2°* *June* 13 [Bill 55]

METROPOLIS
Cab Regulations, Questions, Mr. Montague Guest, Sir John Hay; Answers, Mr. Bruce *May* 16, 743
Leicester Square, Question, Captain Dawson-Damer; Answer, Mr. Ayrton *May* 30, 1594
New Public Offices—Ground Plans, Question, Lord Redesdale; Answer, Earl Granville *May* 6, 323
Purification of the Thames, Question, Mr. Brodrick; Answer, Mr. Bruce *May* 26, 1408
South Kensington Museum, Question, Earl Cadogan; Answer, Earl De Grey and Ripon *May* 13, 624
South Kensington, New Buildings at, Question, Sir John Pakington; Answer, Mr. Gladstone *May* 10, 463
The Detective Police—Recent Burglaries, Question, Lord Eustace Cecil; Answer, Mr. Bruce *May* 16, 734

The Parks
Kensington Gardens and Hyde Park, Question, The Duke of Rutland; Answer, Earl De Grey and Ripon *May* 13, 626; Questions, Mr. W. H. Smith, Lord John Manners; Answer, Mr. Ayrton *May* 13, 626
Republican Demonstration in Hyde Park, Question, General Forester; Answer, Mr. Bruce *May* 12, 575

Water Supply, Question, Mr. Whalley; Answer, Mr. Bruce *May* 27, 1495

Metropolitan Board of Works Loans (Stamp Duty) Bill (*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Resolutions reported; Bill ordered; read 1°* *May* 20 [Bill 132]
Read 2°* *May* 26
Committee*; Report *May* 30
Read 3°* *May* 31
l. Read 1a* (*The Marquess of Lansdowne*) *June* 13 (No. 131)

Metropolitan Regulations Bill [H.L.]
(*The Marquess Townshend*)
l. Presented; read 1a* *May* 5 (No. 85)

MIALL, Mr. E., *Bradford*
University Tests, Comm. *cl.* 3, 1956; Proviso 1, 1971

MILLER, Mr. J., *Edinburgh* (*City*)
Army—Military Stores, 965
Public Prosecutions, Motion for a Committee, 470

MILLES, Hon. G. W., *Kent, East*
Malting Regulations, 324

MILLS, Mr. C. H., *Kent, W.*
Navy—Woolwich Dockyard, 1406

MILTON, Viscount, *Yorkshire, W. R.—S.*
Canada Railway Loan, Res. 1852
Hudson's Bay Company, 327, 328, 968; Explanation, 1059, 1061, 1062

MINTO, Earl of
Contagious Diseases, 1266

Mint, The Royal—Coinage for Foreign Countries
Question, Mr. Dixon; Answer, The Chancellor of the Exchequer *May* 5, 273; Observations, Mr. Muntz; Reply, The Chancellor of the Exchequer; debate thereon *June* 10, 1869

MONK, Mr. C. J., *Gloucester*
Benefices, 2R. 546
Canada Railway Loan, Res. 1844, 1851
Civil Service Pensions, 460
Greece—Anemoyanni, Alexander, The Courier, 1192
Constitution of, 1768

MONSELL, Right Hon. W. (Under Secretary of State for the Colonies), *Limerick Co.*
Africa, West Coast of—Case of Mr. Huggins, 741, 1842
British Honduras, 1843
Canada—Fenian Raid in, 1411, 1495
Red River Settlement, 281, 326, 1091
Canada Railway Loan, Res. 1850, 1851
New Zealand, Relations with, 810

MONTAGU, Right Hon. Lord R., *Huntingdonshire*
Elementary Education, 1946

MORGAN, Mr. G. Osborne, *Denbighshire*
University Tests, Comm. *cl.* 3, 1961; Proviso 1, 1971; Schedule, Amendt. 1979, 1980
Wales—Established Church, Res. 1299

MORLEY, Earl of
Army — Regimental Canteens, Address for Papers, 269
Customs and Inland Revenue, Comm. 1781; *cl.* 23, 1812
Hawkers' Licences, 624

MORRISON, Mr. W., *Plymouth*
  Irish Land, Comm. *add. cl.* 782, 1017, 1031, 1032
  Municipal Boroughs (Metropolis), 2R. 865

Mortgage Debenture Act (1865) Amendment Bill (*Mr. West, Lord Garlies, Mr. Staveley Hill*)
c. Considered * *May* 4 [Bill 78]
  Considered * *May* 6
  Read 3° * *May* 9
l. Read 1ª * (*The Lord Greville*) *May* 10
  Read 2ª * *May* 27 (No. 89)
  Committee * *May* 30 (No. 121)
  Report * *May* 31
  Read 3ª * *June* 13
  Royal Assent *July* 4 [33 & 34 *Vict.* c. 20]

MOWBRAY, Right Hon. J. R., *Oxford University*
  University Tests, 2R. 1221; Comm. *cl.* 2, 1953; *cl.* 3, 1958; Proviso 1, 1973; Preamble, 1981

MUNDELLA, Mr. A. J., *Sheffield*
  Ceylon—Currency of, 1057
  Contagious Diseases Acts Repeal, Leave, 1346
  Married Women's Property, 2R. 891

Municipal Boroughs (Metropolis) Bill (*Mr. Buxton, Mr. Thomas Hughes*)
c. Moved, "That the Bill be now read 2°" *May* 18, 854
  Amendt. to leave out "now," and add "upon this day six months" (*Mr. Bentinck*); after debate, Question put, "That 'now,' &c.;" A. 130, N. 66; M. 64; main Question put, and agreed to; Bill read 2° [Bill 65]

MUNTZ, Mr. P. H., *Birmingham*
  Army Estimates—Militia, &c. 1834
  Coinage Contracts, 1869
  Customs and Inland Revenue, Comm. *cl.* 23, 1812
  East India (Council of State), Res. 845, 846
  False Weights and Measures, Res. 1517
  Gun Licences, 2R. 1682
  Municipal Boroughs (Metropolis), 2R. 877
  Navy Estimates—Naval Stores, 1747
  Stamp Duties, 2R. 1637
  Women's Disabilities, 2R. 236

MURPHY, Mr. N. D., *Cork City*
  Irish Land, Comm. *add. cl.* 1030, 1031, 1257, 1261; Consid. 1413; 3R. 1626

National Gallery
  Amendt. on Committee of Supply *May* 20, To leave out from "That" and add "there be laid before this House, Copy of Correspondence between Her Majesty's Office of Works and the Architect of the New National Gallery, in continuation of the Return to the Order of the House of Commons (10th March 1869), and of the Report of the Architect to the First Commissioner of Works" (*Mr. Beresford Hope*), 1063; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

[*cont.*

National Gallery—cont.
  British Museum, &c.—Evening Admission, Amendt. on Committee of Supply *May* 6, To leave out from "That" and add "in the opinion of this House, it is desirable that the National Gallery and certain portions of the British Museum should be opened for the inspection of the public between the hours of seven and ten in the evening at least three evenings in the week" (*Mr. Allen*), 330; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

Naturalization Bill (*The Lord Chancellor*)
c. Read 3° * *May* 2 [Bill 86]
l. Commons Amendts. agreed to, after short debate *May* 9, 390 (Nos. 18-31)
  Royal Assent *May* 12 [33 *Vict.* c. 14]

NAVY
  "Active" and "Volage," Question, Colonel Beresford; Answer, Mr. Childers *May* 24, 1271
  Admiralty Anchors, Question, Mr. Rylands; Answer, Mr. Baxter *May* 26, 1405
  Admiralty Shipping Agents, Question, Mr. Bayley Potter; Answer, Mr. Baxter *May* 26, 1406
  Alleged Monopoly of Freight, Question, Mr. Gourley; Answer, Mr. Childers *May* 20, 1056
  Emigration by Troop Ships, Question, Sir James Lawrence; Answer, Mr. Childers *May* 10, 463
  Government Stores, Question, Mr. Holms; Answer, Mr. Baxter *May* 12, 574
  Letters of Officers on Foreign Stations, Question, Lord Henry Scott; Answer, The Marquess of Hartington *May* 16, 742; Question, Lord Henry Scott; Answer, Mr. Stansfeld *May* 23, 1191
  Navy Estimates, Observations, Mr. Corry; Reply, Mr. Baxter; debate thereon *May* 31, 1703
  New Zealand Medal, Question, Sir John Hay; Answer, Mr. Baxter *May* 9, 392
  Pensions for Flag Officers, Question, Mr. Hanbury-Tracy; Answer, Mr. Childers *May* 19, 969
  Rear-Admiral Cooper Key, Observations, Sir John Hay; Reply, Mr. Childers; debate thereon *June* 10, 1884
  Sale of Admiralty Steamships, Question, Mr. Gourley; Answer, Mr. Baxter *May* 20, 1054

  The Dockyards
    Private Firms and the Royal Dockyards, Question, Sir James Elphinstone; Answer, Mr. Childers *May* 24, 1272
    Woolwich Dockyard—the War Department, Question, Mr. Mills; Answer, Mr. Childers *May* 26, 1406

  The "Flying Squadron," Question, Sir John Hay; Answer, Mr. Childers *May* 26, 1408
  Whitworth Gun, Question, Sir John Hay; Answer, Mr. Childers *May* 17, 812

Navy—Case of Commander Gurdon
Amendt. on Committee of Supply *May* 26, To leave out from "That" and add "any new Regulation prohibiting Naval Officers on half-pay or retired pay from writing letters to the public journals which may be decided upon by the Board of Admiralty be laid before this House" (*Sir John Hay*), 1442; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

Navy—Chatham, Portsmouth, and Deptford Dockyards
Amendt. on Committee of Supply *May* 31, To leave out from "That" and add "a Select Committee be appointed to inquire into the circumstances and causes which have led to the large increase in the cost of the works for the extension of the Dockyards at Chatham and Portsmouth beyond the amounts set forth in the Act 28 and 29 Vic. c. 51, and what variations, if any, have been made or ordered from the works described in the said Act; also, whether the works included in the contracts made by authority of that Act, and laid before Parliament, are being executed in accordance with the drawings attached to such contracts, and as to the authority under which alterations have been made, and what has been or will be the effect on the cost of the works by such alterations; also, into the circumstances which have led to the disposal of Deptford Dockyard for an amount so much below the value thereof stated in the Stock Valuation Account" (*Mr. Cawley*), 1715; after debate, Question put, "That the words, &c.;" A. 142, N. 83; M. 59

NEVILLE-GRENVILLE, Mr. R., *Somersetshire, Mid.*
Army Estimates—Yeomanry Cavalry, 1838
Charity Commissioners' Report, 573

NEWDEGATE, Mr. C. N., *Warwickshire, N.*
Clerical Disabilities, 2R. 1378
Coinage Contracts, 1883
Contagious Diseases Acts Repeal, Leave, 1343
Conventual and Monastic Institutions, 6; Nomination of Committee, 52, 55, 56, 74, 75, 76, 81, 531; Amendt. 1262, 1263
Customs and Inland Revenue, Comm. *cl.* 19, 1808, 1809; *cl.* 21, 1809
France—Commercial Treaty, Motion for a Committee, 167, 173
Irish Land, Comm. *add. cl.* 778
Parliamentary Elections, Leave, 447
Public Schools, Motion for an Address, 193, 1559; Motion for Adjournment, 1684
University Tests, 2R. 1244, 1248
Women's Disabilities, Comm. 617

New Parishes Acts Amendment (1870) Bill [H.L.] (*The Lord Bishop of Winchester*)
Presented; read 1ª* *May* 20 (No. 108)
Bill withdrawn* *May* 27

New Peer
June 13—Charles William Fitzgerald, esquire, (commonly called Marquess of Kildare), created Baron Kildare of Kildare in the county of Kildare

Sat First
May 5—The Marquess of Westminster, after the death of his Father
May 12—The Earl Howe, after the death of his Father.

New Writs Issued
May 16—*For* Suffolk (Eastern Division), *v.* Hon. John Major Henniker-Major, called up to the House of Peers
May 27—*For* Leicester County (Southern Division), *v.* Viscount Curzon, now Earl Howe
May 31—*For* The Isle of Wight, *v.* Sir John Simeon, baronet, deceased

New Members Sworn
May 18—George Waters, esquire, *Mallow*
May 19—Hon. George Frederick Nugent Greville-Nugent, *Longford*
May 20—George Ekins Browne, esquire, *Mayo*
June 9—Viscount Mahon *Suffolk* (Eastern Division)

New Zealand Loan
Question, Mr. Salt; Answer, Mr. Stansfeld *May* 20, 1058
Relations with, Question, Mr. Magniac; Answer, Mr. Monsell *May* 17, 810

NICOL, Mr. J. C. Dyce, *Kincardineshire*
Customs and Inland Revenue, Comm. *add. cl.* 1814
Navy Estimates—Admiralty Office, 1672
Public Prosecutions, Motion for a Committee, 471

NORTH, Colonel J. S., *Oxfordshire*
Army—Military Reserve Funds, 1701
Army—Kirwee Prize Money, Motion for an Address, 1540
Army—Staff Appointments, Res. 1824
Army Enlistment, 2R. 786
Army Estimates—Medical Establishments, 1832

North Lancashire Steam Navigation Company
Observations, Mr. Hermon; Reply, Mr. Cardwell *June* 9, 1819

NORTHBROOK, Lord (Under Secretary of State for War)
War Office, 2R. 86, 102, 105; Report, 570, 572

Norwich Voters Disfranchisement Bill (*Mr. Attorney General, Mr. Solicitor General, Mr. Secretary Bruce*)
c. Committee*; Report *May* 5 [Bill 99]
Considered* *May* 6
Read 3°* *May* 9
l. Read 1ª* (*The Lord Chancellor*) *May* 10
Observations—Petition of A. Bignold—Lord Cairns *May* 24, 1266; Bill read 2ª (No. 88)
Committee *May* 31, 1691
Report* *June* 13 (No. 128)

Norwood, Mr. C. M., *Kingston-upon-Hull*
Navy Estimates—Admiralty Office, 1653, 1672

O'Conor Don, The, *Roscommon Co.*
County Coroners (Ireland), 2R. 558
Irish Land, Comm. *cl.* 3, 11; *cl.* 19, 590; *add. cl.* 1032
Parliament—Sligo Borough Writ, 525, 527

Oranmore and Browne, Lord
Ecclesiastical Titles Act Repeal, 2R. 1489

O'Reilly, Mr. M. W., *Longford Co.*
Irish Land, Comm. *cl.* 41, 758; *add. cl.* 775, 1009; Consid. *add. cl.* 1431, 1440

Osborne, Mr. R. B., *Waterford City*
Conventual and Monastic Institutions, Nomination of Committee, 55, 56
Horse Racing, Leave, 1354, 1361
Irish Land, Comm. *cl.* 4, 313; *cl.* 18, 585; Consid. 1414
Palace of Westminster, Case of Mr. Edward Barry, Res. 702, 703, 706

Otway, Mr. A. J. (Under Secretary of State for Foreign Affairs), *Chatham*
Brazil—"Mary Hamilton," Crew of the, 1943
China—Consular Etiquette, 631, 810
Consular Establishments, 1190
Copyright, International, 1596
Cuba—War in, 394
Diplomatic Pensions, 110
Egypt—Constitution of, 1768
Loan, 6
Greece—Anemoyanni, Alexander, The Courier, 1192
Massacres in, 108, 464, 814
Parliamentary Papers in Foreign Languages, 742
Spain—Treaty of Commerce, 1940
Turkey—Fire at Constantinople, 1947
United States—Speer, Captain, Shooting of, 4

Oyster and Mussel Fisheries Supplemental Bill (*The Lord Privy Seal*)
l. Committee*; Report *May* 5 (No. 62)
Read 3^a* *May* 6
Royal Assent *May* 12 [33 *Vict.* c. 6]

Oyster and Mussel Fisheries Supplemental (No. 2) Bill
(*Mr. Shaw Lefevre, Mr. Stansfeld*)
c. Committee*; Report *May* 3 [Bill 100]
Read 3^o* *May* 4
l. Read 1^a* (*The Lord Privy Seal*) *May* 5
Read 2^a* *May* 13 (No. 82)
Committee*; Report *May* 16
Read 3^a* *May* 17
Royal Assent *June* 20 [33 *Vict.* c. 2]

Pakington, Right Hon. Sir J. S., *Droitwich*
Army—Boxer, Colonel, Case of, 277
Army Estimates—Militia, &c. 1834
Contagious Diseases Acts Repeal, Leave, 1339

Pakington, Right Hon. Sir J. S.—*cont.*
Losses at Sea, Motion for a Commission, 1094, 1101, 1123
Merchant Shipping Code, 2R. 1989; Amendt. 2007, 2008
Navy—Cooper Key, Rear Admiral, Case of, 1896
Navy—Chatham, &c. Dockyards, Motion for a Committee, 1728
Navy—Gurdon, Commander, Case of, Res. 1458
South Kensington, New Buildings at, 463

Palk, Sir L., *Devonshire, S.*
Clerical Disabilities, 2R. 1373
Commons Inclosure, 2R. Motion for an Adjournment, 1917
Game Laws, Res. 1909
Horse Racing, Leave, 1364
Irish Land, Comm. *cl.* 4, 313

Palmer, Sir R., *Richmond*
Greece—Murder of British Subjects, 1123
Irish Land, Comm. *cl.* 3, 25; *cl.* 4, 292; *cl.* 5, 368, 383, 384; *cl.* 14, 427; *cl.* 17, 580; *cl.* 19, 590; *cl.* 24, 602; *add. cl.* 780; Consid. *add. cl.* 1436, 1439
University Tests, Comm. *cl.* 3, 1960; *cl.* 4, 1975

Palmer, Mr. J. Hinde, *Lincoln City*
Benefices, 2R. 544
Irish Church, Comm. *cl.* 12, 418; Consid. *add. cl.* 1437

Parker, Mr. C. S., *Perthshire*
Game Laws, Res. 1905, 1909
University Tests, Comm. *cl.* 4, 1974

Parliament
Lords—
Public Business—The Whitsuntide Recess—The Irish Land Bill, Observations, Earl Granville *May* 27, 1468
Standing Orders—Order of Debate in this House, Moved, That the words following be added to the Roll of Standing Orders:—
"That if two or more Peers rise to speak at the same time the Lord Chancellor, and when the House is in Committee the Chairman of Committees, shall call on one of them to proceed, unless the House do otherwise order" (*The Lord Stratheden*) *June* 13, 1933; after short debate, Motion withdrawn
Private Bills
Ordered, That no Private Bill brought from the House of Commons shall be read a second time after Thursday the 16th day of June next: [and other Orders] *May* 5, 251
Standing Order No. 179. sect. 1. suspended. Time for depositing petitions praying to be heard against Private Bills, which would otherwise expire during the adjournment of the House, be extended to Monday the 13th of June *May* 31

Commons—
Bridgwater and Beverley—Distribution of Seats, Question, Mr. Hibbert; Answer, Mr. Gladstone *May* 5, 280

[*cont.*

PARLIAMENT—COMMONS—*cont.*
Order—Irregularity of Motion—Rules and Orders No. 130, Question, Mr. W. M. Torrens; Answer, Mr. Speaker *May* 17, 824
Palace of Westminster — Dismissal of Mr. Edward Barry, Amendt. on Committee of Supply *May* 13, To leave out from "That" and add "in the opinion of this House, the abrupt discontinuance of the employment of the architect who has hitherto been engaged at the Houses of Parliament whenever professional skill and responsibility were required, at a moment when works entrusted to his direction were still in progress, is uncalled for, and of doubtful expediency" (*Mr. Cowper-Temple*), 670; Question proposed, "That the words, &c.;" after long debate, Question put; A. 152, N. 109; M. 43

Palace of Westminster
Plans of the Flues, &c., Question, Captain Dawson-Damer; Answer, Mr. Ayrton *May* 30, 1593
The Central Hall, Question, Mr. A. Seymour; Answer, Mr. Gladstone *May* 9, 394

Parliament—Strangers ordered to withdraw
Contagious Diseases Acts Repeal Bill—Motion for Leave—Mr. Craufurd calls attention to the presence of Strangers in the Galleries:—Strangers ordered to withdraw
Exclusion of Strangers from the House, Observations, Mr. Gladstone; Reply, Mr. Henley *May* 26, 1411; Observations, Mr. Henley; Reply, Mr. Gladstone; debate thereon *May* 30, 1640

Parliamentary Elections Bill
(*The Marquess of Hartington, Mr. Secretary Bruce, Mr. John Bright*)
c. Motion for Leave (*The Marquess of Hartington*) *May* 9, 431; after short debate, Moved, "That the Debate be now adjourned" (*Lord Claud Hamilton*); after further debate, Motion withdrawn; Question put, and agreed to; Bill ordered; read 1°* [Bill 120]

Parliamentary Papers in Foreign Languages
Question, Mr. Peek; Answer, Mr. Otway *May* 16, 741

Patent Office—Case of Mr. Edmunds
Question, Observations, Sir James Elphinstone; Reply, The Chancellor of the Exchequer; short debate thereon *May* 19, 970

PATTEN, Right Hon. Colonel J. W., *Lancashire, N.*
Army Estimates—Militia, &c. 1832
County Government, Res. 1867
Customs and Inland Revenue, Comm. *add. cl.* 1816
Irish Land, Comm. *cl.* 41, 759, 767; *add. cl.* 1256; Consid. *add. cl.* 1419
Rating (Ireland), Motion for a Committee, 2009

PEASE, Mr. J. W., *Durham, S.*
Irish Land, Comm. *cl.* 41, 753

PEEK, Mr. H. W., *Surrey, Mid.*
Customs and Inland Revenue, Comm. 1795
False Weights and Measures, Res. 1522
Parliamentary Papers in Foreign Languages, 741

PEEL, Mr. A. W. (Secretary to the Poor Law Commissioners), *Warwick Bo.*
Education of the Blind, &c. 2R. 250

PELL, Mr. A., *Leicestershire, S.*
France—Commercial Treaty, Motion for a Committee, 160
Irish Land, Comm. *cl.* 4, 315; *add. cl.* 1262; Consid. *add. cl.* 1436

PENZANCE, Lord
Appellate Jurisdiction, Comm. 1930
Attorneys and Solicitors Remuneration, Comm. *cl.* 4, 1920
High Court of Justice, Comm. 1576, 1581

PETERBOROUGH, Bishop of
Marriage with a Deceased Wife's Sister, 2R. 936

Petty Customs (Scotland) Abolition Bill
(*Mr. Bouverie, Mr. Kinnaird*)
c. Re-comm.*; Report *May* 11 [Bill 95]
Considered *; Read 3° *May* 18
l. Read 1ª* (*The Earl of Airlie*) *May* 19 (No. 105)

PHILIPS, Mr. R. N., *Bury*
Navy Estimates, 1715

Pier and Harbour Orders Confirmation Bill (*Mr. Shaw Lefevre, Mr. Stansfeld*)
c. Considered in Committee; Resolution reported; Bill ordered; read 1°* *May* 5
Read 2°* *May* 9 [Bill 117]
Committee*; Report *May* 16
Considered* *May* 20
Read 3°* *May* 23
l. Read 1ª (*The Earl of Kimberley*) *May* 24 (No. 110)

Pier and Harbour Orders Confirmation (No. 2) Bill
(*Mr. Shaw Lefevre, Mr. Stansfeld*)
c. Resolution agreed to; Bill ordered; read 1°* *May* 30 [Bill 154]
Read 2°* *June* 9

PIM, Mr. J., *Dublin City*
Irish Land, Comm. *cl.* 3, Amendt. 30; Amendt. 43; *cl.* 4, Amendt. 357; Amendt. 359; *cl.* 6, Amendt. 397; *cl.* 24, 598; *add. cl.* 778, 782, 1260; Consid. *add. cl.* 1420

PLATT, Mr. J., *Oldham*
France—Commercial Treaty, Motion for a Committee, 140

PLAYFAIR, Dr. Lyon, *Edinburgh and St. Andrew's Universities*
Contagious Diseases Acts Repeal, Leave, 1324
Post Office—Halfpenny Card Postage, 1498
University Tests, Comm. *cl.* 3, 1957
Women's Disabilities, 2R. 229

PLUNKET, Hon. D. R., *Dublin University*
Irish Land, Comm. *cl.* 5, Amendt. 359, 365, 382

POLLARD-URQUHART, Mr. W., *Westmeath Co.*
France — Commercial Treaty, Motion for a Committee, 149
Irish Land, Comm. *cl.* 5, 378 ; *cl.* 41, 767 ; *add. cl.* 1260

Poor Law
Vagrants, Police Regulation of, Amendt. on Committee of Supply *May* 13, To leave out from "That" and add "in the opinion of this House, vagrants applying for shelter and food should be put under the protection, regulation, and management of the Police" (*Dr. Brewer*), 632 ; Question proposed, "That the words, &c. ;" after debate, Amendt. withdrawn

Poor Relief (Metropolis) Bill
(*Mr. Goschen, Mr. Arthur Peel*)
c. Considered * *May* 6 [Bill 36]
Read 3° * *May* 12
l. Read 1ª * (*The Lord Privy Seal*) *May* 13
Bill read 2ª, after debate *May* 20, 1049 (No. 97)
Committee * ; Report *May* 23
Read 3ª * *May* 24
Royal Assent *June* 20 [33 & 34 *Vict.* c. 18]

POST OFFICE
Foreign Postage, Question, Mr. Crawford ; Answer, The Marquess of Hartington *June* 13, 1944
Halfpenny Card Postage, Question, Dr. Lyon Playfair ; Answer, The Marquess of Hartington *May* 27, 1498
Letters of Officers on Foreign Stations, Question, Lord Henry Scott ; Answer, The Marquess of Hartington *May* 16, 742 ; Question, Lord Henry Scott ; Answer, Mr. Stansfeld *May* 23, 1191
Mails to India, viâ Brindisi, Question, Mr. Stacpoole ; Answer, The Marquess of Hartington *May* 20, 1058
Postal Service between America and England, Question, Mr. Baines ; Answer, The Marquess of Hartington *May* 13, 631
Scotland — Aberdeen Post Office, Question, Colonel Sykes ; Answer, The Marquess of Hartington *June* 13, 1946—*Mails between Golspie and Thurso,* Question, Sir Tollemache Sinclair ; Answer, The Marquess of Hartington *May* 26, 1407

Post Office Bill
(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Ordered ; read 1° * *May* 25 [Bill 144]

POTTER, Mr. T. Bayley, *Rochdale*
Navy—Admiralty Shipping Agents, 1406

Prayer Book (Lectionary) Bill [H.L.]
(*The Lord Chancellor*)
l. Presented ; read 1ª * *May* 31 (No. 127)

Protection of Inventions Bill
(*Mr. Attorney General, Mr. Solicitor General*)
c. Ordered ; read 1° * *June* 9 [Bill 157]
Read 2° * *June* 10
Committee * ; Report *June* 13

Public Health (Scotland) Supplemental Bill (*The Lord Advocate, Mr. Adam*)
c. Ordered ; read 1° * *May* 20 [Bill 186]
Read 2° * *May* 23

Public Prosecutions
Moved, "That a Select Committee be appointed to inquire into the present system of conducting public prosecutions in Scotland, with the view of amending that system, if necessary, and of extending to other parts of the United Kingdom the institution of Public Prosecutors" (*Sir David Wedderburn*) *May* 10, 465 ; after debate, Question put, and negatived

Public Prosecutors Bill (*Mr. Eykyn, Mr. Vernon Harcourt, Mr. Rathbone, Viscount Sandon*)
c. Bill read 2°, and committed to a Select Committee, after short debate *May* 4, 240 [Bill 45]
Committee nominated *May* 16 ; List of the Committee, 246
Report of Select Committee *May* 30 [Bill 148]

Public Schools
Order read, for resuming Adjourned Debate on Question [5th April], "That an humble Address be presented to Her Majesty, praying Her to be pleased to order that in the five Statutes for determining and establishing the constitution of the new governing bodies of Shrewsbury, Winchester, Harrow, Charterhouse, and Rugby Schools, the words requiring membership of the Church of England as a qualification in the case of persons elected or nominated members of the governing bodies may be omitted" (*Mr. Thomas Hughes*) ; Question again proposed ; Debate resumed *May* 3, 176 ; after short debate, Moved, "That the debate be now adjourned" (*Major Walker*) ; after further short debate, Motion withdrawn ; Original Question withdrawn
Moved, "That an humble Address be presented to Her Majesty, humbly to express the desire of this House that in the exercise of the power conferred upon Her Majesty by the 9th, 10th, and 19th sections of the Act 31 and 32 Vic. c. 118, with respect to the five Statutes for determining and establishing the constitution of the new governing bodies of Shrewsbury, Winchester, Harrow, Charterhouse, and Rugby Schools, Her Majesty will be pleased to ascertain whether the said Statutes correspond with the provisions of the 17th and 19th sections of the Endowed Schools Act of 1869, and, if they do not correspond with the said sections, to disapprove of them, or of so much of them, accordingly" (*Mr. Thomas Hughes*) ; Debate arising ; Debate adjourned

[*cont.*

Public Schools—cont.
  Debate resumed *May* 27, 1559; after short debate, Debate further adjourned
  Debate resumed *May* 30, 1683; Amendt. to leave out from "Majesty" and add "representing that the Five Statutes for determining and establishing the constitution of the new governing bodies of Shrewsbury, Winchester, Harrow, Charterhouse, and Rugby Schools, have been considered by this House, and humbly to express their desire that, as since the passing of the Public Schools Act 1868 the Endowed Schools Act 1869 has passed, Her Majesty will be pleased to refer back those Statutes to the Special Commissioners appointed under the Public Schools Act, in order that they may have the opportunity of reconsidering certain parts of the said Statutes with reference to the principles applied in the Endowed Schools Act to other Endowed Schools" (*Mr. Russell Gurney*); Question proposed, "That the words, &c.;" after short debate, Moved, "That the Debate be now adjourned" (*Mr. Newdegate*); A. 30, N. 55; M. 25
  Question again proposed; Moved, "That this House do now adjourn" (*Mr. Charley*), put, and negatived; Question, "That the words, &c.," put, and negatived; Question put, "That those words be there added;" A. 54, N. 26; M. 28; main Question, as amended, put, and agreed to

Raikes, Mr. H. C., *Chester*
  Army—Military Train and the Control Department, 967
  Married Women's Property, 2R. 887
  Parliament—Sligo Borough Writ, 528
  University Tests, 2R. 1215; Comm. *cl.* 3, 1959

Railway Accidents (*Compensation*)
  Committee [April 26] nominated; List of the Committee *May* 24, 1364

Railways (Powers and Construction) Bill
  (*Mr. Shaw Lefevre, Mr. Stansfeld*)
c. Committee*; Report *May* 6 [Bill 76]
  Considered* *May* 10
  Read 3°* *May* 11
l. Read 1ª* (*The Lord Privy Seal*) *May* 12
  Read 2ª* *May* 24 (No. 96)
  Committee*; Report *May* 27
  Read 3ª* *May* 30
  Royal Assent *June* 20 [33 & 34 *Vict.* c. 19]

Rathbone, Mr. W., *Liverpool*
  Customs and Inland Revenue, Comm. 1776
  Merchant Shipping Code, 2R. 1987
  Public Prosecutors, 2R. 241

Read, Mr. Clare S., *Norfolk, S.*
  Carriages—Duty on, 970
  Customs and Inland Revenue, Comm. *cl.* 6, 1802, 1804, 1805
  Irish Land, Comm. *cl.* 4, 300; *cl.* 5, 371; *cl.* 7, 398; *cl.* 8, 410; *cl.* 11, 414; *cl.* 19, 591; *add. cl.* 996; Consid. *cl.* 19, 1441
  Navy—Gurdon, Commander, Case of, Res. 1461
  Vagrants, Police Regulation of, Res. 650

Real Estate Succession Bill
  Question, Lord Redesdale; Answer, The Lord Chancellor *May* 31, 1698

Rebow, Mr. J. Gurdon, *Colchester*
  Navy—Gurdon, Commander, Case of, Res. 1458

Redesdale, Lord (Chairman of Committees)
  Irish Church Act Amendment, 2R. 1268, 1269, 1270
  New Public Offices, 323, 324
  Poor Relief (Metropolis), 2R. 1053
  Real Estate Succession, 1698
  Tramways, 2R. 1591

Reed, Mr. C., *Hackney*
  Conventual and Monastic Institutions, 6; Motion for a Committee, 82

Registration of Voters Bill
  (*Mr. Vernon Harcourt, Sir Charles Dilke, Mr. Rathbone*)
c. Ordered; read 1°* *May* 30 [Bill 149]

Richmond, Duke of
  Bridgwater and Beverley Disfranchisement, 2R. 1491
  Canada—Fenians, Invasion by, 1466
  Ecclesiastical Titles Act Repeal, 2R. 1490
  High Court of Justice, Comm. 1581
  Parliament—Order of Debate, 1938
  Poor Relief (Metropolis), 2R. 1052
  War Office, 2R. 92; Comm. *cl.* 2, 458

Richmond Park—The Roehampton Gate
  Question, Mr. Alderman W. Lawrence; Answer, Mr. Ayrton *May* 13, 629

Ripon, Bishop of
  Marriage with a Deceased Wife's Sister, 2R. 920

Robertson, Mr. D., *Berwickshire*
  Irish Land, Comm. *cl.* 4, 301, 311

Romilly, Lord
  Appellate Jurisdiction, Comm. 1931
  Attorneys and Solicitors Remuneration, Comm. *cl.* 4, 1919
  High Court of Justice, Comm. 1584
  Ireland—Records, Motion for Papers, 271

Royston, Right Hon. Viscount, *Cambridgeshire*
  Game Laws, Res. 1906
  Horse Racing, Leave, 1360

Russell, Earl
  Ecclesiastical Titles Act Repeal, 2R. 1480

Rutland, Duke of
  Metropolis—Kensington Gardens, 626

Rylands, Mr. P., *Warrington*
China—Consular Establishments, 1190
Customs and Inland Revenue, 2R. 1631
Foreign Office Agents, Compensation to, 392
Game Laws, Res. 1907
Navy—Admiralty Anchors, 1405
Navy—Gurdon, Commander, Case of, Res. 1456
Navy Estimates—Naval Stores, 1743, 1744
Turkey—Fire at Constantinople, 1947
University Tests, Comm. *cl.* 3, 1958

St. Lawrence, Viscount, *Galway Bo.*
Irish Land, Comm. *cl.* 3, 286; *cl.* 14, 427; *cl.* 18, 582; *add. cl.* 1009; Consid. *add. cl.* 1427

St. Leonards, Lord
Ecclesiastical Titles Act Repeal, 2R. Amendt. 1476, 1489

Saint Olave, &c. Charities Bill
(*Mr. William Edward Forster, Mr. Secretary Bruce*)
c. Ordered; read 1° * *May* 30 [Bill 152]
Read 2° * *June* 9
Committee *; Report *June* 10
Read 3° * *June* 13

Sale of Poisons, &c. (Ireland) Bill
(*Mr. Solicitor General for Ireland, Mr. Chichester Fortescue*)
c. Ordered; read 1° * *May* 9 [Bill 122]
Bill withdrawn * *May* 23

Sale of Poisons (Ireland) Bill
(*Mr. Attorney General for Ireland, Mr. Chichester Fortescue*)
c. Ordered; read 1° * *May* 23 [Bill 140]
Read 2° * *May* 26
Committee *; Report *May* 30
Considered * *May* 31

Salisbury, Marquess of
Attorneys and Solicitors Remuneration, Comm. *cl.* 4, 1919
Bridgwater and Beverley Disfranchisement, Comm. *cl.* 1, 1696, 1698
Canada—Fenians, Invasion by, 1467, 1468
Ecclesiastical Patronage Transfer, Comm. 569
Greece—Murder of British Subjects, 1189
High Court of Justice, Comm. 1582
Medical Act Amendment, 2R. 261
Parliament—Order of Debate, 1935, 1939
Sequestration, 2R. 803
Tramways, 2R. 1591
War Office, Comm. *cl.* 2, 459

Salmon Acts Amendment Bill
(*Mr. Malcolm, Mr. Hambro, Mr. Cameron*)
c. Ordered; read 1° * *June* 13 [Bill 163]

Salomons, Alderman Sir D., *Greenwich*
Navy—Chatham, &c. Dockyards, Motion for a Committee, 1723

Salt, Captain T., *Stafford*
New Zealand Loan, 1058
University Tests, Comm. *cl.* 5, 1977

Samuda, Mr. J. D'A., *Tower Hamlets*
Corporation of London, 2R. 894
Losses at Sea, Motion for a Commission, 1101, 1104, 1106, 1114
Merchant Shipping Code, 2R. 1990
Municipal Boroughs (Metropolis), 2R. 876
Navy—Chatham, &c. Dockyards, Motion for a Commission, 1729
Navy Estimates—Admiralty Office, 1656
  Naval Stores, 1742, 1743, 1749
  New Works, 1764
  Steam Machinery, &c. 1757

Samuelson, Mr. B., *Banbury*
Navy Estimates—Naval Stores, 1746

Sartoris, Mr. E. J., *Carmarthenshire*
University Tests, 2R. 1219

Saunderson, Mr. E. J., *Cavan Co.*
Ireland—D'Arcy Irvine, Mr., 813
Irish Land, Comm. *add. cl.* 1003

Savings Banks
Question, Sir John Lubbock; Answer, The Chancellor of the Exchequer *May* 31, 1701

Sclater-Booth, Mr. G., *Hampshire, N.*
Conventual and Monastic Institutions, Motion for a Committee, 83
Customs and Inland Revenue, 2R. 1627; Comm. *cl.* 11, 1805, 1806
Gun Licences, 2R. 1681
Irish Land, Comm. *cl.* 39, 744; *cl.* 41, Amendt. 753
Navy Estimates—Miscellaneous Services, 1679
Public Schools, Motion for an Address, 189

Scotland
Civil Departments (*Scotland*), Question, Observations, The Earl of Airlie; Answer, The Duke of Argyll *May* 20, 1034
Lunacy Commission, Question, Mr. Craufurd; Answer, Mr. Bruce *May* 15, 279

Scott, Lord H. J. M. D., *Hampshire, S.*
Post Office and the Navy, 742
  Letters of Officers on Foreign Stations, 1191

Scourfield, Mr. J. H., *Pembrokeshire*
Army Enlistment, 2R. 790
Children, Employment of, in Agriculture, 1558
Customs and Inland Revenue, Comm. *add. cl.* 1818
Irish Land, Comm. *cl.* 14, 428
Wales—Established Church, Res. 1303
Women's Disabilities, 2R. Previous Question moved, 210, 220

Sea, Losses at
Amendt. on Committee of Supply *May* 20, To leave out from "That" and add "an humble Address be presented to Her Majesty, praying that Her Majesty will be pleased to issue

[*cont.*

Sea, Losses at—cont.
a Commission to inquire into the causes of the great loss of life and property at sea during the last few years, and to consider whether any and what changes can be made in existing Laws and Regulations with respect to collisions, overlading, stowage of cargo, and other matters, with the view of giving increased safety to Passengers and Merchant Ships" (*Sir John Pakington*), 1094; Question proposed, "That the words, &c.;" after debate, Moved, "That the debate be now adjourned" (*Mr. Gourley*); after further debate, Motion withdrawn

SELWIN-IBBETSON, Sir H. J., *Essex, W.*
Gun Licences, 2R. 1681
Irish Land, Comm. *cl.* 3, Amendt. 27, 28
Navy—Chatham, &c. Dockyards, Motion for a Committee, 1721
Suburban Commons, 2R. 567

Sequestration Bill [H.L.]
(*The Lord Bishop of Winchester*)
l. Presented; read 1ª* *May* 3 (No. 81)
After debate, Bill read 2ª, and referred to a Select Committee *May* 17, 791
Committee nominated *May* 19; List of the Committee, 808
Report of Select Committee *May* 27 (No. 115)

SEYMOUR, Mr. A., *Salisbury*
National Gallery, Motion for Correspondence, 1088
Parliament—Central Hall, 394

SHAFTESBURY, Earl of
Greece—Murder of British Subjects, 1190
Ritual Commission, 732

SHAW, Mr. R., *Burnley*
Gun Licences, 2R. 1682

SHAW, Mr. W., *Bandon*
Irish Land, Comm. *cl.* 17, 580; *cl.* 18, Amendt. 582

SHERLOCK, Mr. D., *King's Co.*
Conventual and Monastic Institutions, Motion for a Committee, 534
Irish Land, Comm. *cl.* 3, 28; *cl.* 4, 303; *cl.* 5, 372; *cl.* 11, 412; *cl.* 18, 582, 585; *cl.* 20, 596; *cl.* 37, 606; Consid. *add. cl.* 1437, 1438

SINCLAIR, Sir J. G. T., *Caithness-shire*
Irish Church, Comm. *cl.* 12, 417; *cl.* 14, 429; Consid. *add. cl.* 1421
Scotland—Mails between Golspie and Thurso, 1407

Sligo and Cashel Disfranchisement Bill
(*Mr. Solicitor General for Ireland, Mr. Chichester Fortescue*)
c. Ordered; read 1º* *May* 23 [Bill 139]

Sligo Borough Writ
Moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Sligo, in the room of Major Knox, whose Election has been determined to be void" (*Colonel French*) *May* 10, 524; after short debate, Motion withdrawn

SMITH, Mr. R., *Derbyshire, S.*
Habitual Ciminals Act, 628

SMITH, Mr. T. E., *Tynemouth, &c.*
Losses at Sea, Motion for a Commission, 1120
Merchant Shipping Code, 2R. 1999

SMITH, Mr. W. H., *Westminster*
Metropolis—Kensington Gardens, &c. 626
Municipal Boroughs (Metropolis), 2R. 870
Vagrants, Police Regulation of, Res. 652

SOLICITOR GENERAL, The (Sir J. D. COLERIDGE), *Exeter*
Army—Kirwee Prize Money, Motion for an Address, 1547
Benefices, 2R. 542
Keble College, 1942
Lowry, Mr., Appointment of, 1769
Married Women's Property, 2R. 892
Public Schools, Motion for an Address, 176
University Tests, 2R. 1192, 1237, 1248; Comm. *cl.* 2, 1953; *cl.* 3, 1954, 1964, 1965, 1967; Proviso 1, 1970; Amendt. 1973; *cl.* 5, 1977, 1978, 1979; Schedule, 1980

South Kensington—See title *Metropolis*

Spain
Case of the "Tornado," Question, Mr. Bentinck; Answer, Mr. Gladstone *May* 2, 7
Insurrection in Cuba, Question, Mr. Gilpin; Answer, Mr. Otway *May* 9, 394
Treaty of Commerce, Question, Mr. Grieve; Answer, Mr. Otway *June* 13, 1940

SPEAKER, The (Right Hon. J. E. DENISON) *Nottinghamshire, N.*
Children, Employment of, in Agriculture, 1556
Contagious Diseases Acts Repeal, Leave, 1306, 1307
Conventual and Monastic Institutions, Nomination of Committee, 52, 55, 56, 74, 75, 79, 529, 534
Customs and Inland Revenue, Comm. 1801; *add. cl.* 1815, 1816
Game Laws, Res. 1902
Navy—Gurdon, Commander, Case of, Res. 1455, 1456
Parliament—Exclusion of Strangers from the House, 1643
Order—Irregularity of Motion, 824

STACPOOLE, Captain W., *Ennis*
Army—Band in Hyde Park, 630
Convicted Army Recruits, 275
County Coroners (Ireland), 2R. 551
Irish Land, Comm. *cl.* 3, 40; Consid. *add. cl.* 1420
Post Office—Mails to India, viâ Brindisi, 1058

Stamp Duties Bill
(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Ordered; read 1°* *May* 20 [Bill 135]
Read 2°, after short debate *May* 30, 1637

Stamp Duty on Leases Bill [Bill 59]
(*Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Committee; Report *June* 13, 1982 [Bill 161]

STANHOPE, Earl
Canada—Fenians, Invasion by, 1468

STANLEY, Hon. Captain F. A., *Lancashire, N.*
Army Enlistment, 2R. 790
Navy—Chatham, &c. Dockyards, Motion for a Committee, 1738
Navy Estimates—Admiralty Office, 1672
New Works, 1764

STANSFELD, Right Hon. J. (Lord of the Treasury), *Halifax*
Army—Kirwee Prize Money, Motion for an Address, 1543, 1544
Ceylon—Currency of, 1058
Charitable Trusts Act, 1768
Civil Service Pensions, 460
Customs and Inland Revenue, 2R. 1636; Comm. *cl.* 6, 1802, 1804; Amendt. 1805; Schedule, 1818
Fees in the Superior Courts of Common Law, 1841
Foreign Office Agents, Compensation to, 393
Funded and Unfunded Debt, 325
Hudson's Bay Company, 968
Ink, Cost of, for the Public Service, 1945
Ireland—Public Record Office, 629
New Zealand Loan, 1058
Post Office—Letters of Officers on Foreign Stations, 1191
Salaries to Clerks in the Customs, 574
Stamp Duty on Leases, Comm. *cl.* 1, 1985, 1987
Wales, Wastes of Manor in, 1767

STAPLETON, Mr. J., *Berwick-on-Tweed*
Benefices, 2R. 544
Habitual Criminals Act, 272
Irish Land, Comm. *cl.* 66, 772
Stamp Duty on Leases, Comm. *cl.* 1, 1986
University Tests, Comm. *cl.* 5, 1977
Vagrants, Police Regulation of, Res. 649

Steam Boiler Explosions
Select Committee appointed, "to inquire into the cause of Steam Boiler Explosions, and as to the best means of preventing them" (*Mr. Hick*) *May* 16, 790; List of the Committee

STEVENSON, Mr. J. C., *South Shields*
Lighthouse Dues, 744
University Tests, Comm. *cl.* 3, Amendt. 1954, 1959

STRATFORD DE REDCLIFFE, Viscount
Greece—Murder of British Subjects, 1187

STURT, Mr. H. G., *Dorsetshire*
Game Laws Abolition, 2R. 1397

Submarine Cables and the Admiralty
Question, Mr. W. H. Gregory; Answer, Mr. Knatchbull-Hugessen *May* 13, 629

Suburban Commons Bill
(*Mr. Cowper-Temple, Mr. Buxton*)
c. Moved, "That the Bill be now read 2°" *May* 11, 559
Amendt. to leave out "now" and add "upon this day six months" (*Mr. James Lowther*); after short debate, Question, "That 'now,' &c." put, and agreed to; main Question put, and agreed to; Bill read 2° [Bill 41]
Moved, "That the Bill be committed for Wednesday the 22nd day of June next" (*Mr. Cowper-Temple*), 568
Amendt. to leave out from "committed" and add "to a Select Committee" (*Mr. Goldney*); after further short debate, Question put, "That the words, &c.;" A. 133, N. 77; M. 56; main Question put, and agreed to; Bill committed

SUPPLY
Considered in Committee *May* 30, 1649—NAVY ESTIMATES—Resolutions reported *May* 31
Considered in Committee *May* 31, 1742—NAVY ESTIMATES—Resolutions reported *June* 9
Considered in Committee *June* 9, 1831—ARMY ESTIMATES—Resolutions reported *June* 10

Survey of Great Britain, &c. Bill
(*The Marquess of Lansdowne*)
l. Committee* *May* 2 (Nos. 71-78)
Read 3ª* *May* 3
Royal Assent *May* 12 [33 Vict. c. 13]

SYKES, Colonel W. H., *Aberdeen City*
China—Consular Etiquette, 631, 810
Corporation of London, 2R. 894
Municipal Boroughs (Metropolis), 2R. 877
Scotland—Aberdeen Post Office, 1946
Women's Disabilities, 2R. 208, 228

SYNAN, Mr. E. J., *Limerick Co.*
Conventual and Monastic Institutions, Motion for a Committee 81, 534,
County Coroners (Ireland), 2R. 550
Education of the Blind, &c. 2R. 249
Irish Land, Comm. *cl.* 3, Amendt. 8, 12, 28, 42, 287; *cl.* 4, 291, 296; Amendt. 315; Amendt. 320; *cl.* 6, 396; *cl.* 8, 399, 405, 410; *cl.* 11, 412, 413, 414, 415; *cl.* 12, 418, 419; *cl.* 17, 578; *cl.* 19, 590, 593; *cl.* 24, Amendt. 598, 600; Amendt. 601, 602; *cl.* 37, 607; *cl.* 39, Amendt. 745; *add. cl.* Amendt. 774, 777, 1006; Consid. *add. cl.* 1418; Amendt. 1419, 1431, 1436

TALBOT DE MALAHIDE, Lord
Ireland—National Parliament, 1
Ireland—Records, Motion for Papers, 270
Medical Act Amendment, 2R. 261

TALBOT, Mr. J. G., *Kent, W.*
Benefices, 2R. 545
Conventual and Monastic Institutions, Nomination of Committee, 79, 529
Customs and Inland Revenue, Comm. *cl.* 6, 1802
University Tests, Comm. *cl.* 3, Amendt. 1966; Preamble, 1981

TAYLOR, Right Hon. Lt.-Colonel T. E., *Dublin Co.*
Customs, Salaries to Clerks in the, 574

TAYLOR, Mr. P. A., *Leicester*
Game Laws Abolition, 2R. 1384

Telegraph Acts Extension Bill
(*The Marquess of Hartington, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Ordered; read 1°* *May* 25 [Bill 142]
Read 2°* *June* 10

TIPPING, Mr. W., *Stockport*
Irish Land, Comm. *cl.* 41, 769
University Tests, Comm. *cl.* 3, 1957, 1958

TITE, Sir W., *Bath*
Municipal Boroughs (Metropolis), 2R. 874
National Gallery, &c.—Evening Admission, Res. 347
National Gallery, Motion for Correspondence, 1087
Palace of Westminster—Case of Mr. Edward Barry, Res. 711

TORRENS, Mr. R. R., *Cambridge Bo.*
Army—Kirwee Prize Money, Motion for an Address, 1512
Irish Land, Comm. *cl.* 4, Amendt. 319; *cl.* 5, 384; *cl.* 41, Amendt. 752; Amendt. 760

TORRENS, Mr. W. T. M'Cullagh, *Finsbury*
Irish Land, Comm. *cl.* 22, Amendt. 597; *cl.* 24, Amendt. 602, 603; *add. cl.* 1257
Parliament—Order, Irregularity of Motion, 824

TRACY, Hon. C. R. D. HANBURY- *Montgomery, &c.*
Army—Whitworth Gun, The, 395
Farm Horses, Licence on, 1273
Navy—Pensions for Flag Officers, 969

Tramways Bill
(*Mr. Shaw Lefevre, Mr. Stansfeld, Mr. Ayrton*)
c. Re-comm.* *May* 10 [Bill 113]
Considered* *May* 13
Read 3°* *May* 19
l. Read 1ª* (*The Lord Privy Seal*) *May* 20
After short debate, Bill read 2ª, and referred to a Select Committee *May* 30, 1590 (No. 107)
Committee nominated *June* 13; List of the Committee, 1592

TRELAWNY, Sir J. G. S., *Cornwall, E.*
National Gallery, &c.—Evening Admission, Res. 340

TREVELYAN, Mr. G. O. (Lord of the Admiralty), *Hawick, &c.*
Navy—Chatham, &c. Dockyards, Motion for a Committee, 1732, 1735

Turkey—The Fire at Constantinople
Question, Mr. Rylands; Answer, Mr. Otway *June* 13, 1947

Turnpike Acts Continuance, &c. Bill
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
c. Ordered; read 1°* *May* 11 [Bill 125]
Read 2°* *May* 23

Turnpike Trusts Arrangements Bill
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
c. Ordered; read 1°* *May* 18 [Bill 129]
Read 2°* *May* 26
Committee*; Report *May* 30
Read 3°* *May* 31
l. Read 1ª* (*The Earl of Morley*) *June* 13 (No. 132)

Union of Benefices Amendment (1870) Bill [H.L.] (*The Lord Bishop of Winchester*)
l. Presented; read 1ª* *May* 27 (No. 118)

United States—Shooting of Captain Speer
Question, Mr. Cubitt; Answer, Mr. Otway *May* 2, 4

University Tests Bill
(*Mr. Dodson, Mr. Solicitor General, Mr. William Edward Forster*)
c. Moved, "That the Bill be now read 2°" *May* 23, 1192
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Spencer Walpole*); after long debate, Question put, "That 'now,' &c.;" A. 191, N. 66; M. 125; main Question put, and agreed to; Bill read 2°
Committee; Report *June* 13, 1947 [Bill 105]

Vaccination Act (1867) Amendment Bill
(*Mr. Candlish, Mr. Serjeant Simon*)
c. Ordered; read 1°* *May* 12 [Bill 126]
Moved, "That the Bill be now read 2°" *May* 27, 1560; after short debate, Question put; A. 18, N. 8; M. 10
Adjourned Debate *May* 31; Debate adjourned

Valuation of Lands and Assessments (Scotland) Bill
(*The Lord Advocate, Mr. Adam*)
c. Read 2°* *May* 12 [Bill 102]
Referred to Select Committee; Committee nominated; List of the Committee *May* 13, 729

VANCE, Mr. J., *Armagh City*
County Coroners (Ireland), 2R. 548, 559
Irish Land, Consid. 1413

VERNEY, Sir H., *Buckingham*
Army — Kirwee Prize Money, Motion for an Address, 1536
Army Enlistment, 2R. 783
Army Estimates—Militia, 1833
Canada—Red River, Disturbances at, 1094

VIVIAN, Hon. Captain J. C. W. (Lord of the Treasury), *Truro*
Army—Whitworth Gun, The, 395
Army Enlistment, 2R. 790
Army—India, Horse Artillery in, Res. 1827

Wages Arrestment Abolition (Scotland) Bill
(*Mr. Anderson, Mr. Gordon, Mr. Miller, Mr. Armitstead*)
c. Considered * *May* 26 [Bill 118]

Wages Attachment Abolition Bill
(*Mr. Stevenson, Mr. Candlish, Mr. Mundella*)
c. Ordered; read 1° * *May* 20 [Bill 131]
Read 2° * *May* 26
Committee *; Report *June* 13

Wales—Wastes of Manors
Question, Mr. Walsh; Answer, Mr. Stansfeld *June* 9, 1767

WALKER, Major G. G., *Dumfriesshire*
Army Enlistment, 2R. 787
Channel Passage between England and France, Res. 821
Public Schools, Motion for an Address, Motion for Adjournment, 190

WALPOLE, Right Hon. Spencer H., *Cambridge University*
British Museum—Duplicate Works in, 737
Engravings of Marco Antonio, 327
Clerical Disabilities, 2R. 1371
Conventual and Monastic Institutions, Nomination of Committee, 73
Irish Land, Comm. *cl.* 4, 320, 321; *cl.* 12, 418, 419; *cl.* 14, 425
National Gallery, &c. — Evening Admission, Res. 334
University Tests, 2R. Amendt. 1199, 1228; Comm. *cl.* 5, 1978

WALSH, Hon. A., *Radnorshire*
Army—India, Horse Artillery in, Res. 1826
Wales—Wastes of Manor in, 1767

WALTER, Mr. J., *Berkshire*
Palace of Westminster—Case of Mr. Edward Barry, Res. 720
Vagrants, Police Regulation of, Res. 655

War Office Bill (*The Lord Northbrook*)
l. Bill read 2ª, after debate *May* 3, 86 (No. 74)
Committee, after short debate *May* 10, 454
Report *May* 12, 570 (No. 92)
Read 3ª * *May* 13
Royal Assent *June* 20 [33 & 34 *Vict.* c. 17]

WAYS AND MEANS
Drawback on Sugar, Question, Mr. Crawford; Answer, The Chancellor of the Exchequer *May* 26, 1409
Duty on Carriages, Questions, Mr. C. S. Read, Sir George Jenkinson; Answers, The Chancellor of the Exchequer *May* 19, 970
Hawkers' Licences, Question, The Earl of Airlie; Answer, The Earl of Morley *May* 13, 623
Licence on Farm Horses, Questions, Mr. Hanbury-Tracy, Mr. M. T. Bass; Answers, The Chancellor of the Exchequer *May* 24, 1273
Malting Regulations, Question, Mr. G. Milles; Answer, The Chancellor of the Exchequer *May* 6, 324

WEDDERBURN, Sir D., *Ayrshire, S.*
India—Income Tax, 1945
Public Prosecutions, Motion for a Committee, 465, 480

WELBY, Mr. W. E., *Lincolnshire, S.*
Army—13th Lincolnshire Rifles, 1941
Customs and Inland Revenue, Comm. *cl.* 6, 1802; *add. cl.* 1814

WEST, Mr. H. W., *Ipswich*
Irish Land, Comm. *cl.* 8, 400; *cl.* 14, 426
Public Prosecutors, 2R. 242

WESTBURY, Lord
Attorneys and Solicitors Remuneration, Comm. *cl.* 4, 1920
Felony, 2R. 1688
High Court of Justice, Comm. 1571; Report, 1925
Lowry, Mr., Appointment of, 1768
Marriage with a Deceased Wife's Sister, 2R. 930
Naturalization, Commons Amendts. Amendt. 391
Sequestration, 2R. 802

WHALLEY, Mr. G. H., *Peterborough*
Army—Kirwee Prize Money, Motion for an Address, 1540
Canada—Fenian Conspiracy, 1495
Red River, Disturbances at, 1093
Conventual and Monastic Institutions, Nomination of Committee, 75, 83, 534
Irish Land, Comm. *cl.* 41, 750, 771
Metropolis—Water Supply in, 1495
Vagrants, Police Regulation of, Res. 651

WHATMAN, Mr. J., *Maidstone*
Canada Railway Loan, Res. 1850

WHEELHOUSE, Mr. W. St. John, *Leeds*
Coinage Contracts, 1875
Education of the Blind, &c. 2R. 246
Vagrants, Police Regulation of, Res. 654

WHITBREAD, Mr. S., *Bedford*
Parliamentary Elections, Leave, 449

WHITE, Mr. J., *Brighton*
Palace of Westminster—Case of Mr. Edward Barry, Res. 713

Whitwell, Mr. J., *Kendal*
Fees in the Superior Courts of Common Law, 1841
Irish Land, Comm. *add. cl.* 1259; Consid. *add. cl.* 1427
Navy Estimates—New Works, 1763

Williams, Mr. Watkin, *Denbigh, &c.*
Wales—Established Church, Res. 1274, 1295, 1297

Williamson, Sir H., *Durham, N.*
Horse Racing, Leave, 1357
Stamp Duty on Leases, Comm. 1984

Winchester, Bishop of
Ritual Commission, 733
Sequestration, 2R. 791, 796

Wine and Beerhouse Act (1869) Amendment Bill (*Sir Henry Selwin-Ibbetson, Mr. Headlam, Mr. Akroyd*)
c. Committee*; Report *May* 10 [Bill 124]
Considered* *May* 18
Considered* *May* 19
Read 3°* *May* 20
l. Read 1ª* (*The Marquess of Salisbury*) *May* 23
Read 2ª* *June* 13 (No. 109)

Wingfield, Sir C. J., *Gravesend*
Army—Kirwee Prize Money, Motion for an Address, 1542
East India (Council of State), Res. 847
East India (Opium Revenue), Res. 495

Winterbotham, Mr. H. S. P., *Stroud*
Chancery, Court of Appeal in, 1597
Civil Service, Open Competition, 1702
Conventual and Monastic Institutions, Nomination of Committee, 57
Elementary Education, 1702
University Tests, Comm. *cl.* 3, 1958, 1967; Proviso 1, 1973; *cl.* 5, 1978, 1979

Women's Disabilities Bill (*Mr. Jacob Bright, Sir Charles W. Dilke, Mr. Eastwick*)
c. Moved, "That the Bill be now read 2°" *May* 4, 194
Previous Question moved (*Mr. Scourfield*); after long debate, previous Question put, "That that Question be now put;" A. 124, N. 91; M. 33; Division List, Noes, 240; main Question put, and agreed to; Bill read 2° [Bill 31]
Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" (*Mr. Jacob Bright*) *May* 12, 607
Amendt. to leave out from "That," and add "this House will, upon this day six months, resolve itself into the said Committee" (*Mr. Bouverie*); Question proposed, "That the words, &c.;" after short debate, Moved, "That the debate be now adjourned" (*Mr. Eastwick*); after further short debate, Motion withdrawn; Question put, "That the words, &c.;" A. 94, N. 220; M. 126; words added; main Question, as amended, put, and agreed to; Bill put off for six months

Workmen's International Exhibition
Question, Mr. T. Hughes; Answer, The Attorney General *May* 30, 1596

York, Archbishop of
Sequestration, 2R. 799, 800

END OF VOLUME CCI., AND THIRD VOLUME OF
SESSION 1870.

LONDON: CORNELIUS BUCK, 23, PATERNOSTER ROW.

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